**I. PROCEDURAL STEPS TAKEN FROM “NOTICE/ACTUAL KNOWLEDGE” THROUGH WRITTEN INITIAL DETERMINATION REGARDING RESPONSIBILITY.**

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

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

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

**NOTE: much, if not ALL information required by Sections “A” and “B” below should already be available and found in SECTION ONE of the “Investigative Report” and cites to documentation will continue to the Investigative Appendix.**

1. **RECITATION OF STEPS TAKEN SINCE “NOTICE/ACTUAL KNOWLEDGE” TO COMMENCEMENT OF INVESTIGATION**

Allegations Received BY ANY Staff/DE/BA: DATE: **[INSERT]**

See attached Student/Staff Conduct Forms submitted by STAFF, DE, and Building Administrator, at Appendix Pages **[INSERT]**

Report Received by TITLE IX Coordinator

Date: **[INSERT]**

See Attached Student/Staff Conduct Form – Title IX Coordinator Version, Documentation, Appendix Pages **[INSERT]**

Report to DCF (if applicable): DATE: **[INSERT]**

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

Title IX Coordinator Contact with Complainant: DATE: **[INSERT]**

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

Formal Complaint of Sexual Harassment Filed DATE: **[INSERT]**

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

Notification of Formal Complaint of Sexual Harassment DATE: **[INSERT]**

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

Notification of Dismissal of Formal Complaint (IF APPLICABLE) DATE: **[INSERT]**

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

Notification of Appeal of Dismissal of Formal Complaint (IF APPLICABLE) DATE: **[INSERT]**

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

Notification of Receipt of Appeal Request (IF APPLICABLE) DATE: **[INSERT]**

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

Forwarding of Party Brief in Case of Newly Available Evidence (IF APPLICABLE) DATE: **[INSERT]**

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

Notification of Written Determination of Appeal (IF APPLICABLE) DATE: **[INSERT]**

See attached documentation, IDRR/App/pages: **[INSERT]**

1. **RECITATION OF STEPS TAKEN BY INVESTIGATOR TO CONCLUSION OF INVESTIGATION.**

Date of Investigator Assignment: DATE: **[INSERT]**

Date Investigation Commenced.  **DATE: [INSERT]**

Investigator Assigned: NAME: **[INSERT]**

Notification of Change of Scope for Formal Complaint of Sexual Harassment DATE: **[INSERT]**

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

Notification of Interview and Protections DATE: **[INSERT]**

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

Notification of Opportunity to Review and Respond to Evidence DATE: **[INSERT]**

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

Letter to Complainant/Parent/Guardian/Employee providing opportunity to review all evidence (inculpatory and exculpatory) collected by the investigator and a chance to respond in writing. DATE [**INSERT]** (See Appendix pages). **[INSERT]**

Written Response Received: DATE [**INSERT]** (See Appendix pages). **[INSERT]**

Letter to Respondent/Parent/Guardian/Employee providing opportunity to review all evidence (inculpatory and exculpatory) collected by the investigator and a chance to respond in writing. DATE [**INSERT]** (See Appendix pages). **[INSERT]**

Written Response Received: DATE [**INSERT]** (See Appendix pages). **[INSERT]]**

NOTICE OF DELAYS (IF ANY). INSTRUCTIONS. Some cases may experience a delay/extension of time as permitted by Section IV.A.2.f.2. Document here whether any such delays occurred, and provide a description of the circumstances justifying that delay, and refer to documentation of those circumstances, as well as letters which updated and informed the parents of those delays.

Date of Letters Notifying Parties of Investigation Delay (if applicable)

Complainant/Parent/Guardian/Employee DATE [**INSERT]** (See Appendix pages). **[INSERT]**

Respondent/Parent/Guardian/Employee DATE [**INSERT]** (See Appendix pages). **[INSERT]**

Date Title IX Sexual Harassment Investigation Concluded: DATE**[INSERT]**

Date of Title IX Sexual Harassment Investigative Report: DATE**[INSERT]**

1. **RECITATION OF STEPS TAKEN BY INITIAL DECISION MAKER FROM CONCLUSION OF INVESTIGATION THROUGH WRITTEN INITIAL DETERMINATION REGARDING RESPONSIBILITY**.

Notification of Opportunity to Review and Respond to Report.

DATE: **[INSERT]**

See attached documentation, IDRR/App/pages: **[INSERT]**

Written Response to Report Received:

Party Submitting Response: **[INSERT]**

DATE [**INSERT]**

IDRR/App/pages: **[INSERT]**

Notification of Opportunity For Party or Witness Questions.

DATE: **[INSERT]**

See attached documentation, IDRR/App/pages: **[INSERT]**

Written Response to Opportunity to Submit Questions Received:

Party Submitting Response: **[INSERT]**

DATE [**INSERT]**

IDRR/App/pages: **[INSERT]**

Notification of Rejection of Party Question for Lack of Relevance.

DATE: **[INSERT]**

See attached documentation, IDRR/App/pages: **[INSERT]**

Notification of Party Questions.

DATE: **[INSERT]**

See attached documentation, IDRR/App/pages: **[INSERT]**

Written Response to Questions Posed Received:

Party Submitting Response: **[INSERT]**

DATE [**INSERT]**

IDRR/App/pages: **[INSERT]**

Notification of Opportunity For Supplemental Party Questions.

DATE: **[INSERT]**

See attached documentation, IDRR/App/pages: **[INSERT]**

Written Response to Submit Supplemental Questions Received:

Party Submitting Response: **[INSERT]**

DATE [**INSERT]**

IDRR/App/pages: **[INSERT]**

Notification of Supplemental Party Questions.

DATE: **[INSERT]**

See attached documentation, IDRR/App/pages: **[INSERT]**

Written Response to Supplemental Questions Received:

Party Submitting Response: **[INSERT]**

DATE [**INSERT]**

IDRR/App/pages: **[INSERT]**

Notification of Initial Determination of Responsibility and Appeal Rights:

DATE [**INSERT]**

IDRR/App/pages: **[INSERT]**

**II. Policy Definition Considered in Investigation / Scope of Inquiry**

PROHIBITED CONDUCT

**INSTRUCTIONS:** Describe here any relevant policies that apply to the alleged conduct and your findings. 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. You must also, after each policy listed state “the manner in which the same were made known to the pertinent school populations or specific parties.”

This investigation has been initiated under the Policy for Prevention of Sexual Harassment as Prohibited by Title IX, section IV Grievance Process, to determine whether a violation of that policy has occurred and the responsible party for such conduct. Section II of that policy defines “sexual harassment” as follows:

N. **“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.

Manner In Which Policy Was Made Known to Pertinent School Population or Specific Parties:

**[INSERT (for example: “Policy posted on school website and contained within Student Handbook”)]**

ALLEGED CONDUCT AND SCOPE OF INQUIRY

**INSTRUCTIONS:** Describe here the alleged conduct / behavior investigated with reference to the identities of the students involved (if known), the conduct allegedly constituting sexual harassment as defined by the Policy, and the date and location of the alleged conduct, if known.

**[INSERT]**

**III. INTERVIEWS CONDUCTED**

1. Complete Listing of Interviews Taken

**INSTRUCTIONS:** Every interview that was conducted in the course of the Title IX Investigation must be documented in detail. You should first list in full all interviews conducted documenting the witnesses’ name, and their interview date. If multiple sessions were held with the same witness, group those together by witness name. Otherwise the list should be in chronological order. **NOTE much, if not ALL information required by this section should already be available and found in SECTION THREE of the “Investigative Report.”**

**Listing of All Interviews**

Complainant

* **[NAME]** grade/title **[INSERT]** Date Interviewed: **[INSERT]**

2nd interview (if held) Date Interviewed: **[INSERT]**

Alleged Perpetrator

* **[NAME]** grade/title **[INSERT]** Date Interviewed: **[INSERT]**

2nd interview (if held) Date Interviewed: **[INSERT]**

Witnesses

* **[NAME]** grade/title **[INSERT]** Date Interviewed: **[INSERT]**

Date Interviewed: **[INSERT]**

* **[NAME]** grade/title **[INSERT]** Date Interviewed: **[INSERT]**

Date Interviewed: **[INSERT]**

Date Interviewed: **[INSERT]**

* **[NAME]** grade/title **[INSERT]** Date Interviewed: **[INSERT]**

1. Individual Interview Session Summaries.

**NOTE much, if not ALL information required by this section should already be available and found in SECTION THREE of the “Investigative Report.”**

KEY INTERVIEW INFORMATION:

**INSTRUCTIONS:** Each summary should begin with a description of the circumstances of the interview itself including who conducted the interview, where it was held, who else was present (and what were their roles), length of the interview, and another pertinent details. Fill in fields as indicated below regarding key facts or circumstances of interview.

Person Interviewed: **[INSERT]** grade/title **[INSERT]**

Date of Interview: **[INSERT]**

Relevance to Case: [**INSERT: ie: “Respondent,” “Eye Witness”]**

Location: **[INSERT]**

Length of Interview: **[INSERT]**

Conducted by: **[INSERT]**

Other Persons Present and their Role: **[INSERT]**

Other Pertinent Witness Information: other relevant factors such as their relationship to other students involved in the case (“best friend of accused”). **[INSERT]**

Original Interview Notes: See attached documentation, Appendix pages: **[INSERT]**

INTERVIEW SUMMARY:

**INSTRUCTIONS:** For each interview that was conducted, a summary of the content of the interview should be written by the investigator. These are not the same as the interview notes. Those are taken in the course of the interview, and should be retained, and attached to the report as part of the “Appendix.” Rather, the summary should detail the important, “relevant” facts that were discussed and obtained in the course of the interview. The summary should be written in short, concise, bullet point form. Other than when quoting from a witness verbatim (which should be done with quotation marks) try to avoid long narrative descriptions. Ideally, it is most useful for the order of topics covered in the summary to follow a consistent pattern – witness to witness and summary to summary, so as to assist the investigator in tracking the evidence collected, and the weight of that evidence, throughout the investigation. You must fairly summarize all relevant evidence obtained during the interview, including, without limitation, witness credibility, discrepancies, inculpatory and exculpatory information.

**[INSERT SUMMARY HERE]**

**IV. SITE VISITS (IF APPLICABLE)**

**NOTE much, if not ALL information required by this section should already be available and found in SECTION FOUR of the “Investigative Report.”**

KEY INTERVIEW INFORMATION:

**INSTRUCTIONS:** For each site visit that was conducted provide a description of the circumstances of the site visit by including who conducted the site visit, where it was held, who else was present (and what were their roles), the length of the visit, and another pertinent details. Fill in fields as indicated below regarding key facts or circumstances of site visit.

Person Conducting Visit: [**INSERT]** Title **[INSERT]**

Date of Visit: **[INSERT]**

Location: **[INSERT]**

Relevance to Case: [**INSERT: ie: “site of assault”]**

Length of Site Visit: **[INSERT]**

Other Persons Present and their Role: **[INSERT]**

Other Pertinent Information: **[INSERT]**

Site Visit Documentation (Notes, Photos, Videos): See attached documentation, Appendix pages: **[INSERT]**

SITE VISIT SUMMARY

**INSTRUCTIONS:** For each site visit conducted, a summary of the content of the relevant information obtained during the visit should be written by the investigator. These are not the same as the notes, photos or videos taken during any site visit. Those should be retained and attached to the report as part of the “Appendix.” Rather, the summary should detail the important, “relevant” facts that were obtained in the course of the site visit. The summary should be written in short, concise, bullet point form. Ideally, it is most useful for the order of topics covered in the summary to follow a consistent pattern, so as to assist the investigator in tracking the evidence collected, and the weight of that evidence, throughout the investigation. You must fairly summarize all relevant evidence obtained during the site visit, including, without limitation inculpatory and exculpatory information.

**[INSERT SUMMARY HERE]**

**V. Documentary Evidence**

1. Inventory of Documentary Evidence Received and Reviewed and Description of Relevance

INSTRUCTIONS: List every document, by title, date, source, and author (if known). You should identify the document also by the page number where it is attached as part of the Appendix.

(Example)

Text from John Doe, September 17, 2020, to Vernon Victim. Appendix Page 15 (attached).

INSTRUCTIONS: After each document identified you should insert a description of relevance of the document. Describe sufficiently here why they are attached so the reader understands how those documents are relevant to the conduct investigated.

(Example)

Text from John Doe, September 17, 2020, to Veronica Victim. Appendix Page 15 (attached).

“Relevance: In the document John admits to “slapping your ass” to Veronica Victim in the cafeteria on September 15.”

**VI. Summary of Facts Found and Evidence Supporting Those Findings**

**INSTRUCTIONS:** As Initial Decision Maker you are charged with resolving ANY disputes of fact.

It may helpful for you to begin by reciting those facts were UNDISPUTED. (The Investigative Report ideally should have outlined those undisputed facts. You should take care to review those and make your own independent decision regarding whether or not a fact is “Undisputed”).

You then should list the facts that were “DISPUTED” requiring your resolution as FINDER OF FACT. You shall resolve those disputes and announce your FINDINGS OF FACT on the basis of the totality of the circumstances and by applying the burden of proof of a “preponderance of the evidence.” This standard is only met when you as the fact finder determine that there is a greater than 50% chance that the fact or claim is true.

Evidence about a Complainant’s sexual predisposition or prior sexual behavior are considered **not relevant** unless such evidence about the Complainant’s prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or the evidence concerns specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent. Policy Section IV.F.3.a.

UNDISPUTED FACTS AND SUPPORTING EVIDENCE

▪ It is undisputed that John Doe touched Veronica Victim on her buttocks intentionally on September 15.

EVIDENCE:

John Doe admitted this to the investigator during his interview.

John Doe admitted this in his text to Veronica Victim, dated 9/17/20.

John Doe admitted in his interview that he did so because he was seeking to change Veronica’s behavior, to get her to “go out” with him.

Teacher Terry who witnessed the event stated he believed John Doe’s conduct was “intentional.”

▪ It is undisputed that John Doe engaged in this behavior during the school day and on school grounds.

EVIDENCE:

Both Parties admit it occurred in the cafeteria during lunch.

DISPUTED FACTS AND CONTRADICTORY EVIDENCE

▪ It is DISPUTED that Veronica Victim had been talking and flirting with John Doe at the time John Doe touched her on September 15.

EVIDENCE:

John Doe claims Veronica Victim was talking and flirting with him.

Teacher Terry, who witnessed the event, denied seeing or hearing Veronica Victim talking or “flirting” with John Doe.

Veronica Victim denies talking or flirting with John Doe.

FINDINGS OF FACT: I hereby find that a preponderance of the evidence supports a finding that Veronica Victim was NOT talking and flirting with John at the time John Doe touched her on September 15.

**VII. Conclusions Regarding Policy/Codes of Conduct, Determination of Responsibility, Rational for Same.**

**INSTRUCTIONS:** As Initial Decision Maker you are charged with reaching conclusions of policy. You should recite the alleged conduct in the case, and for each allegation walk through the key elements of the policy definition alleged to have been violated by the alleged conduct, announce your conclusions, and a statement of and rationale for those conclusions.

(EXAMPLE)

ALLEGATION: It is alleged that John Doe engaged in sexual harassment, such that he engaged (on September 11, 12 and 15), in conduct on the basis of sex, in an educational program or activity of the District, against a person in the United States, that satisfies:

Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denied Veronica Victim equal access to the District’s educational program or activity.”

With respect to the required element of “on the basis of sex”

**[INSERT FINDING HERE]**

With respect to the required element of conduct occurring in an educational program or activity of the District

**[INSERT FINDING HERE]**

With respect to the required element of conduct occurring against a person in the United States

**[INSERT FINDING HERE]**

With respect to the required element of “unwelcome conduct”

John Doe claims Vernon Victim was talking and flirting with him, that she was welcoming his conduct. I found this explanation unsupported by the evidence (see Section VI.). I found instead that his conduct was unwelcome.

With respect to the required element of conduct so “severe, pervasive and objectively offensive that it effectively denied Veronica Victim equal access to the District’s educational program or activity:

**[INSERT FINDING HERE]**

**VIII. RECOMMENDATIONS FOR DISCIPLINE, SANCTIONS AND OTHER REMEDIES**

**INSTRUCTIONS:** As Initial Decision Maker you are charged with reaching conclusions of policy and in cases where you find Responsibility for a violation of the Title IX Policy you should make recommendations for discipline, sanctions, and other remedies designed to “restore or preserve equal access to the District’s education program or activity” with an explanation of the rationale for the proposed measures. Any and all such remedies may include “supportive measures” but also need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent. The implementation of any such measures are subject to the endorsement of personnel with the necessary authority to implement those measures AND may be stayed pending any timely appeal taken from your Initial Determination Regarding Responsibility.

**[INSERT PROPOSED MEASURES, DISCIPLINE, SANCTIONS]**

**IX. CONCLUSION OF WORK APPEAL RIGHTS PROCEDURES**

**APPEAL RIGHTS**

Either party may appeal the Initial Determination of Responsibility or the dismissal of a Formal Complaint of Sexual Harassment (or any allegations therein) by notifying the Superintendent in writing (“written appeal”), with a copy to the Title IX Coordinator.  If there are multiple determinations of responsibility, the written appeal shall specify which ones are included in the appeal.

The Notice of Appeal must be in writing and received by the Superintendent, with a copy to the Title IX Coordinator, within 10 days of either the Initial Determination of Responsibility or the written Notice of Dismissal being communicated to the parties, as appropriate.

Either party may only appeal the Initial Determination of Responsibility of a Formal Complaint of Sexual Harassment (or any allegations therein) based upon one or more of the following grounds, which must be stated specifically in the party’s written appeal:

a. Procedural irregularity that affected the outcome of the matter;

b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or

c. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

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

This hereby concludes my work in this matter.

DATE: **[INSERT]**

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

FULL NAME OF INITIAL DECISION MAKER

Notification of Initial Determination of Responsibility and Appeal Rights

DATE [**INSERT]**

IDRR/App/pages: **[INSERT]**