LETTER – INVESTIGATOR NOTIFICATION OF INTERVIEW AND PROTECTIONS

INSTRUCTIONS FOR TITLE IX INVESTIGATOR:

USE THIS LETTER TO NOTIFY PARTIES WHEN YOU AS TITLE IX INVESTIGATOR ARE SEEKING TO ARRANGE AN INTERVIEW AND TO INFORM THEM OF RELATED PROTECTIONS IN THE INVESTIGATION PROCESS AS SET FORTH IN **POLICY SECTION IV.E. and IV.A.2.**

**SEND IDENTICAL LETTERS TO COMPLAINANT AND RESPONDENT AND THEIR ADVISORS, IF ANY, SEPARATELY**

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 Interview and Grievance Process Protections

DEAR [**INSERT NAME OF COMPLAINANT/RESPONDENT/PARENT]**:

I am writing to you in my role as Title IX Investigator to request an interview. This letter shall serve as your prior written notice of that interview so that you may have sufficient time to prepare for your participation.

*Interview Arrangements and Purposes*

I propose that your interview be conducted **[INSERT THE PROPOSED DATE, TIME, LOCATION/MANNER OF INTERVIEW IF VIA TECHNOLOGY. IT WOULD BE BEST IF YOU OFFERED A FEW DATES].** If these dates do not work for you, I would ask that you promptly respond with alternative proposed dates/times.

Please know that you are entitled to have the advisor of your choice participate in this interview. Please let me know in advance if you will be having a Party Advisor attend your interview with you. (Please see enclosed Protocols for Title IX Interviews to explain the interview process. Please be sure to review these before your interview.)

Please know that the purpose of the interview will be to review with you:

1. the allegations in this case in detail and to give you a chance to tell your side of the story;
2. any evidence (inculpatory or exculpatory) that you wish to share with me and/or to supply to me during your interview;
3. the identities of any witnesses (fact or expert) whom you believe would have relevant information and whom you would like me to interview. Please know that I am not obligated to interview witnesses you identify for me, that the decision to whether or not interview a witness will remain within my discretion as investigator.

*Equitable Protections*

Please know that I will be presuming in this matter that the Respondent is NOT responsible for the alleged conduct. A determination regarding responsibility is only made at the conclusion of the Grievance Process, of which the investigation is only a part. Investigators do not make determinations of responsibility. Those are made separately after the investigation is completed by the Initial (and in some cases thereafter by the Appellate) Decision Makers. Those decisions are made by an objective evaluation of all relevant evidence, and proof of responsibility based on a “preponderance of the evidence[[1]](#footnote-1)” standard. Additionally, credibility determinations may not be made on the basis of a person’s status as a Complainant, Respondent or Witness. The burden of proof and of gathering evidence sufficient to reach a determination regarding responsibility in these cases rests on the District, and not on either party.

Time Frames

I will, in the course of my work, make a good faith effort to conduct a fair, impartial investigation in a reasonably prompt manner designed to provide all parties with a prompt and equitable resolution. The time frame for the investigative and decision making process in these cases can take up to 80 days. (Please See Policy, Section IV. A.2.f.1.) However, more complex cases or other case specific circumstances may require more, or less, time. In cases of delays and extensions of time, you will receive written notice of that fact.

Party Presentation of Evidence & Protections From Retaliation

As stated above, I am happy to receive any relevant[[2]](#footnote-2) evidence from you that you would like me to collect and review in the course of my investigation. In order that you may do so you are not expressly prohibited from discussing the allegations under investigation to gather and present relevant evidence. Any such activities, however, must be conducted in such a way so as not to be disruptive to the educational environment.

In addition, all parties, and potential witnesses, are protected from acts of retaliation by the school’s policies. Title IX expressly prohibits acts of retaliation which are defined in relevant part as “*intimidation, threats, coercion, or discrimination by …any other person, against any individual for the purpose of interfering with any right or privilege secured by Title IX and/or this Policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing in connection with this Policy*.” If you believe that you have been subject to any behaviors which may constitute retaliation please immediately contact the Title IX Coordinator [**INSERT COORDINATOR NAME AND CONTACT INFO**].

I look forward to meeting with you. Please either confirm one of the proposed date(s) and time(s) for your interview or provide me with proposed alternative date(s) and time(s). Please also let me know if an advisor of choice will be attending the interview with you.

Please let me know if you have any questions.

Sincerely,

Name

Title IX Investigator

cc: Title IX Coordinator

Party Advisor (WHERE APPLICABLE)

Enclosure: Protocols for Title IX Investigation Interviews

1. “Preponderance of the evidence” is a standard of evidence met only when the party with the burden – here the District – convinces the fact finder (the Initial Decision Maker) that there is a greater than 50% chance that the claim is true (i.e. more likely than not). [↑](#footnote-ref-1)
2. By federal regulation evidence about the 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. [↑](#footnote-ref-2)