

Title IX Sexual Harassment Training

**What you need to know to comply with the U.S. Department
of Education's New Title IX Regulations.**

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Agenda

- A brief history of Title IX and why revisit it today.
- WCPS Policy
- Key Definitions
- Overview of the Title IX Grievance Procedure
- Hypotheticals
- Questions

Title IX

History of Title IX Regulations – Pre- 2020 Amendments

- Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex, including sexual harassment, in education programs and activities.
- This law applies to all educational institutions receiving federal funds.
- The DOE first issued Title IX regulations in 1975, which generally required that recipients:
 - 1) publish a notice of nondiscrimination;
 - 2) maintain grievance procedures to resolve complaints of sexual harassment/discrimination; and
 - 3) designate a Title IX coordinator.

Title IX

History of Title IX Regulations – Pre- 2020 Amendments

- Until last year, the regulations did not include specific requirements related to sexual harassment.
- Instead, OCR issued guidance through DCL's & Q&A's establishing standards for administrative liability. OCR Guidance shifted with the political winds.
- Also, a long line of federal court cases (most notably, the U.S. Supreme Court's decisions in *Gebser v. Lago Vista Independent School District* and *Davis v. Monroe County Board of Education*), established the definitions and standards for civil liability of educational institutions under Title IX.
- The standards set forth by the courts were typically much higher than those set forth in OCR guidance.

Why Revisit Title IX Now?

- In May 2020, the U.S. Department of Education issued regulations to implement Title IX which, for the first time, set forth requirements for the investigation and resolution of complaints of sexual harassment in education programs and activities.
- The DOE's guiding principles for the 2020 rulemaking included:
 - **Clarity:** Improve clarity and transparency of the requirements for how schools respond to allegations of sexual harassment
 - **Supporting Complainants:** Ensure that complainant receives supportive measures to preserve access to education and protect student and employee safety.
 - **Due Process for Respondent:** Ensure that respondent is afforded due process and not found responsible until a determination of responsibility is made.
 - **Fair Grievance Process:** Ensure *both* parties are treated fairly during the grievance process – equal treatment on the basis of sex, free speech, due process. Equal rights to review evidence, respond, appeal, etc.
 - **New Definitions:** Impart standards articulated by the Supreme Court in *Gebser/Davis* on the administrative process – i.e., definition of sexual harassment.

WCPS Policy and Procedure re Title IX

- WCPS Procedure AC-R– “Title IX Sexual Harassment” contains the Board’s grievance procedures in compliance with the Title IX regulations.
- Related policies and procedures include:
 - Policy AC – “Nondiscrimination Statement”
 - Policy GBAA – “Sexual Harassment – School System Employees”
 - Administrative Regulation GBAA – “Sexual Harassment –Guidelines and Procedures – School System Employees”
 - Policy JFC – “Code of Conduct: Respect, Responsibility, and Civil Behavior”
 - Policy JFH – “Policy Prohibiting Bullying, Harassment, or Intimidation”
 - Administrative Regulation JFH – “Administrative Regulation Prohibiting Bullying, Harassment, or Intimidation”
 - Policy JK and Administrative Regulation JK-R – “Student Discipline” and Exhibit JK-E – “Disciplinary Guidelines”
 - Policy JLF – “Reporting of Suspected Child Abuse and/or Child Neglect; Child Sexual Abuse Prevention, Instruction, and Training; and the Employee Code of Conduct”
 - Administrative Regulation JLF-R - “Guidelines for Reporting Child Abuse and Neglect”
 - Administrative Regulations BBE-R(1)-(3) – rules and procedures in appeals and hearings (Section 7-305(c)(4), Section 6-202(a)(3), and Section 4-205(c)(3))

Definition of Title IX Sexual Harassment

- **Sexual harassment** means conduct on the basis of sex that satisfies one or more of the following:
 - ***Quid Pro Quo***: An employee of WCPS conditioning the provision of an aid, benefit, or service of WCPS on an individual's participation in unwelcome sexual conduct;
 - **Hostile School Environment (*Gebser/Davis* Framework)**: Unwelcome conduct determined by a reasonable person to be so severe, pervasive, ***and*** objectively offensive that it effectively denies a person equal access to an WCPS education program or activity; ***or***
 - **Sexual Violence**: “Sexual assault” as defined in 20 U.S.C. § 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. § 12291(a)(10), “domestic violence” as defined in 34 U.S.C. § 12291(a)(8), or “stalking” as defined in 34 U.S.C. § 12291(a)(30)

Examples of Sexual Harassment

- Examples of sexual harassment include, but are not limited to:
 - Offensive language (epithets, dirty jokes, derogatory comments, or slurs of a sexual nature) communicated verbally or in writing, including electronic formats
 - Visual harassment such as derogatory posters, photography, cartoons, drawings, clothing, or gestures
 - Offensive touching or impeding or blocking a person's physical movement
 - Making unwelcome sexual contact
 - Spreading rumors about or evaluating someone for their looks or sexual behavior
 - Taunting or ridiculing someone because of perceived or actual sexual orientation
 - Pressuring someone for sexual activity

Examples Of Sexual Harassment

- **More Examples - VERBAL**
 - Repeated requests for dates or sex
 - Sexual comments about clothing or body parts
 - Sexually oriented humor or language
 - Kissing sounds, whistling, cat calls
 - Obscene phone calls
 - Comments about sexual likes/dislikes
 - Comments about sexual behavior

Examples of Sexual Harassment

- **More Examples - NON-VERBAL:**

- Leering or ogling
- Pornographic images
- Repeated “love” letters
- Sexually oriented electronic messages or images
- Sexual hand or body gestures
- Invading someone’s personal space

- **More Examples - PHYSICAL:**

- Unwelcome/intrusive touching, including pats, hugs, squeezes, pinches, and/or brushing up against another

Non-Title IX Sexual Harassment

- Consider the extremely high bar set by the *Gebser/Davis* framework to establish hostile school environment:
 - Unwelcome conduct determined by a reasonable person to be so **SEVERE, PERVASIVE, AND objectively OFFENSIVE** that it effectively **DENIES** a person equal access to a WCPS education program or activity.
- How can harassment be “non-Title IX” sexual harassment Harassment that falls below Title IX’s high bar:
 - Severe (or **mild**), or
 - Pervasive (or **sporadic**), or
 - objectively offensive (or **subjectively** offensive).
- WCPS has a duty to respond to all forms of harassment, but the Title IX grievance process only applies to sexual harassment that meets the narrow definition in Title IX.

Scope of WCPS “Education Programs or Activities”

- Overall Requirement: WCPS must respond to **actual knowledge** of sexual harassment in their “**education program or activities**” in a manner that is “**not deliberately indifferent**” – what are WCPS’s programs or activities?
- “**Education program or activity**” includes locations, events, or circumstances over which WCPS exercises **substantial control over both the respondent and the context in which the sexual harassment occurred**. Includes:
 - Academic, educational, extracurricular, athletic, and other programs or activities of schools, regardless of the location (within the United States);
 - Online activity that occurs on computer and internet networks, digital platforms, and computer hardware and software owned or operated by, or used in the operations of WCPS
 - Locations, events, or circumstances occurring during the school day or at school sponsored activity within United States
 - Off-campus and/or online sexual harassment? Depends on the factual circumstances of

More Key Definitions in Title IX Grievance Procedure

- **Complainant** – An individual who is alleged to be the victim of conduct that could constitute sexual harassment
- **Respondent** - An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment
- **Evidentiary Burden = Clear and Convincing** – Evidence is highly and substantially more likely to be true than untrue.

More Key Definitions in Title IX Grievance Procedure

Formal Complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that WCPS investigate the allegation of sexual harassment

- May be **filed with the Title IX Coordinator** by mail or by electronic mail
- May be a document or electronic submission (such as electronic mail)
- Contains the complainant's physical or digital signature (indicates that the complainant is the person filing the formal complaint)
- Third parties may **not** file formal complaints
- Title IX Coordinator may sign a formal complaint based upon a third party complaint or based upon an informal complaint by a complainant (does not make the Title IX Coordinator a party in grievance process)
- The Title IX Coordinator may sign a formal complaint over a complainant's objections - ensures that WCPS does not respond with deliberate indifference to sex discrimination, including sexual harassment, in its programs and activities

More Key Definitions in Title IX Grievance Procedure

Supportive Measures means non-disciplinary, non-punitive individualized services offered to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

- Restore or preserve equal access to the WCPS education program or activity without unreasonably burdening the other party;
- Designed to protect the safety of all parties or the WCPS educational environment, or deter sexual harassment;
- Examples: counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of schools or other WCPS buildings, and other similar measures;
- Kept confidential to the extent possible;
- The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Who is the WCPS Title IX Coordinator?

- The Coordinator of Student Services and Transition Center serves as the Title IX Coordinator for complaints of sexual harassment related to students. Students, parents, and community members may report allegations of harassment to:

Coordinator of Student Services and Transition Center
Center for Education Services
10435 Downsville Pike
Hagerstown, Maryland 21740
301-766-2960
jackswil@wcps.k12.md.us

- The Director of Human Resources is the Title IX Coordinator for complaints of sexual harassment related to employees. Employees may report allegations of harassment to:

Director of Human Resources
Center for Education Services
10435 Downsville Pike
Hagerstown, Maryland 21740
301-766-8784
HRDirector@wcps.k12.md.us

General Response to Complaints of Sexual Harassment

Reporting: *All* members of the school community should promptly report sexual harassment to the Title IX Coordinator.

- Maximizes the WCPS's ability to obtain evidence; Identify potential witnesses; Conduct a thorough, prompt, and impartial investigation; Take prompt corrective action;
- Delay may result in the loss of relevant evidence and witness testimony, impairing WCPS's ability to respond and take appropriate action.
- When in doubt, report!
- WCPS employees in receipt of a report of sexual harassment must refer the report to the Title IX coordinator by providing written notice with as much detail about the alleged incident as possible.

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**TITLE IX COMPLAINT OF ALLEGED DISCRIMINATION OR HARASSMENT
STUDENT-STUDENT INCIDENT REPORT**

This form should be used by only the Principal, Assistant Principal, or Title IX Coordinator, or his/her designee, to report a complaint of alleged discrimination or Harassment involving student with student. This form must be forwarded to the Title IX Coordinator.

Name of Complainant: _____

Name of Respondent: _____

School: _____

Date: _____

1. Location of Incident:
2. Description of Incident (Who, What, Where, When, etc.)
3. Your response to Incident:
4. Witness (es) to Incident? (List names)
5. Previous Incidents (Has this happened before?):
6. Is there anyone else who may have experienced the same problem?
7. Follow-up information from other students.

General Response to Complaints of Sexual Harassment

Equitable treatment of the parties

- Both the complainant and respondent must be treated equitably
- Supportive measures will be offered to both complainants and respondents
- The formal grievance process must be followed before imposing any disciplinary sanctions against a respondent

General Response to Complaints of Sexual Harassment

Emergency removal of students

- Removal of a student respondent on an *emergency* basis provided WCPS:
 - Undertakes an individualized safety and risk analysis;
 - Determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal; **and**
 - Provides the respondent with notice and an opportunity to challenge the decision immediately following the removal in an informal hearing with the Superintendent or designee.
- **Not** an appropriate action to address emotional or mental health needs, which should instead be addressed by supportive measures.
- Consider Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act
- Emergency removal from an extracurricular activity is included under this section.
- Open issue – interplay between emergency removal and ED § 7-305 and COMAR 13A.08.01.11

General Response to Complaints of Sexual Harassment

Emergency Removal of Staff (i.e., Administrative leave)

- Subject to applicable education laws and collective bargaining agreements, WCPS may place an employee on administrative leave during the pendency of the Title IX grievance process
- Placement of any employee on such administrative leave must be made in accordance with other applicable laws, including but not limited to Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.
- Consult with Human Resources or the Superintendent

General Response to Complaints of Sexual Harassment

- **Suspected Child Abuse/Neglect or Crime**

- If the alleged conduct involves suspected child abuse or neglect, the Title IX Coordinator shall notify appropriate social service and law enforcement agencies and shall suspend the local investigation until the outside agency/agencies have completed the evidence gathering process
 - WCPS should implement appropriate interim steps during an outside agency's investigation to provide for the safety of the respondent and the school community and the avoidance of retaliation
- If the alleged conduct involves a potential crime, the Title IX Coordinator shall notify law enforcement and discuss whether the local investigation should be suspended pending the completion of law enforcement's investigation
- Follow existing WCPS Board Policy JLF governing reporting suspected child abuse/neglect.

Formal Grievance Process – Formal Complaints

Basic Requirements

- Equitable treatment of the parties
- Remedies designed to restore or preserve equal access to the education programs or activities
- Objective (non-biased) evaluation of all relevant evidence
 - Include both inculpatory and exculpatory evidence
 - Prohibit credibility determinations based on a party's status as complainant, respondent, or witness.
 - Do not presume guilt or innocence simply because the party is the complainant or respondent.
- Title IX Coordinator, investigators, decision-makers, and informal resolution facilitators will not have a conflict of interest against complainants or respondents generally, or the particular complainant or respondent in a given case

Formal Grievance Process – Formal Complaints

Basic Requirements (continued)

- Respondent is presumed not responsible for alleged conduct until a determination is made at the conclusion of the formal grievance process
- Prompt resolution of the formal grievance process. Follow the timelines stated in Title IX Grievance Procedure. Delays are permissible for good cause and upon providing notice to the parties.
- Description of the range of possible disciplinary sanctions and remedies provided in Title IX Grievance Procedure
- Application of the preponderance of the evidence standard for formal complaints
- Avenue for appeal provided in Title IX Grievance Procedure
- Supportive measures available to the parties
- The formal grievance process will not rely on evidence that is protected by a legally recognized privilege (e.g., attorney-client privilege)
- FERPA governs the process: keep complaint and investigation confidential to the extent possible

Formal Grievance Process – Formal Complaints

Consolidation of Formal Complaints

- WCPS may consolidate formal complaints that arise out of the same facts or circumstances:
 - Against more than one respondent;
 - By more than one complainant against one or more respondents; or
 - By one party against the other party.

Date _____

Notice of Title IX Allegations

Complainant: _____

Respondent: _____

Allegations:
(Copy information from the Formal Complaint form section 2 question 1).

Investigator of Alleged Conduct:
School based administrator contact information

Grievance Process:

- Interview the complainant and respondent within 5 business days.
 - Interview any individuals that are potential witnesses or mentioned within 10 business days of completing the complainant and respondent interviews.
 - Create an investigative report that summarizes the findings.
 - Send the investigative report to the complainant and respondent. (5 business days) Require a receipt from the complainant and respondent.
 - Allow an opportunity for the complainant and respondent to respond to the report. (10 business days)
 - Continue with any investigation that is needed based on responses to the investigative report. (5 business days)
 - Send final report to the Title IX Coordinator. (5 business days)
 - Title IX Coordinator will send the final report to the decision maker.
 - The Complainant or the Respondent may appeal the resolution, in writing within 10 business days after receiving the appeal materials from the Title IX Coordinator.
- ★ **Withdrawal of Complaint**
- During the grievance process, the Complainant can withdraw the complaint at any time prior to the determination or responsibility. However, the Title IX Coordinator may decline to dismiss the complaint if there is reason to believe that Sexual Harassment under Title IX or other misconduct occurred.
- ★ **Informal Resolution**
- After this Formal Complaint is filed and any time before a decision is made as to whether Sexual Harassment under Title IX occurred, you can request to use an informal resolution of this Formal Complaint, such as mediation. This will occur if both parties agree in writing to use the process. At any time prior to a resolution, either party may withdraw from the process.

Rights and Responsibilities of the Complainant and the Respondent:

- The Respondent in this allegation is presumed not responsible for the alleged conduct and is NOT subject to any potential disciplinary actions until after the conclusion of the grievance process.
- The Complainant and the Respondent are both able to receive supportive measures to ensure equal access to the District's educational programs and activities.
- The Complainant and the Respondent have a right to any advisor, who may be, but is not required to be, an attorney;
- The Complainant and the Respondent have the right to inspect and review evidence;
- The Complainant and the Respondent will not violate WCPS Board of Education Board Policy-JFC that prohibits knowingly making false statements or providing false information during the grievance process.

Signature: _____

William Jackson
Title IX Coordinator
titleixcoordinator@wcps.k12.md.us

Date _____

To the Parents of _____

- Unsuccessful attempts were made today to contact you by phone to inform you that your child was involved in a situation at school that relates to the WCPS Board of Education Nondiscrimination Statement- AC. Please call me at 301-766-2987 to discuss this matter.
- As per our conversation, your child was involved in a situation at school that relates to the WCPS Board of Education Administrative Regulation AC-R.

Your child was:

- The Complainant, alleging an incident of discrimination and harassment in which your child was the target of conduct.
- The Respondent, against whom an allegation of discrimination or harassment has been made.
- A person who reported witnessing an incident of discrimination or harassment.

Investigator of Alleged Conduct:

[School based administrator contact information](#)

Grievance Process:

- Interview the complainant and respondent within 5 business days.
- Interview any individuals that are potential witnesses or mentioned within 10 business days of completing the complainant and respondent interviews.
- Create an investigative report that summarizes the findings.
- Send the investigative report to the complainant and respondent. (5 business days) Require a receipt from the complainant and respondent.
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- Continue with any investigation that is needed based on responses to the investigative report. (5 business days)
- Send final report to the Title IX Coordinator. (5 business days)
- Title IX Coordinator will send the final report to the decision maker.

- The Complainant or the Respondent may appeal the resolution, in writing within 10 business days after receiving the appeal materials from the Title IX Coordinator.

★ **Withdrawal of Complaint**

- During the grievance process, the Complainant can withdraw the complaint at any time prior to the determination or responsibility. However, the Title IX Coordinator may decline to dismiss the complaint if there is reason to believe that Sexual Harassment under Title IX or other misconduct occurred.

★ **Informal Resolution**

- After this Formal Complaint is filed and any time before a decision is made as to whether Sexual Harassment under Title IX occurred, you can request to use an informal resolution of this Formal Complaint, such as mediation. This will occur if both parties agree in writing to use the process. At any time prior to a resolution, either party may withdraw from the process.

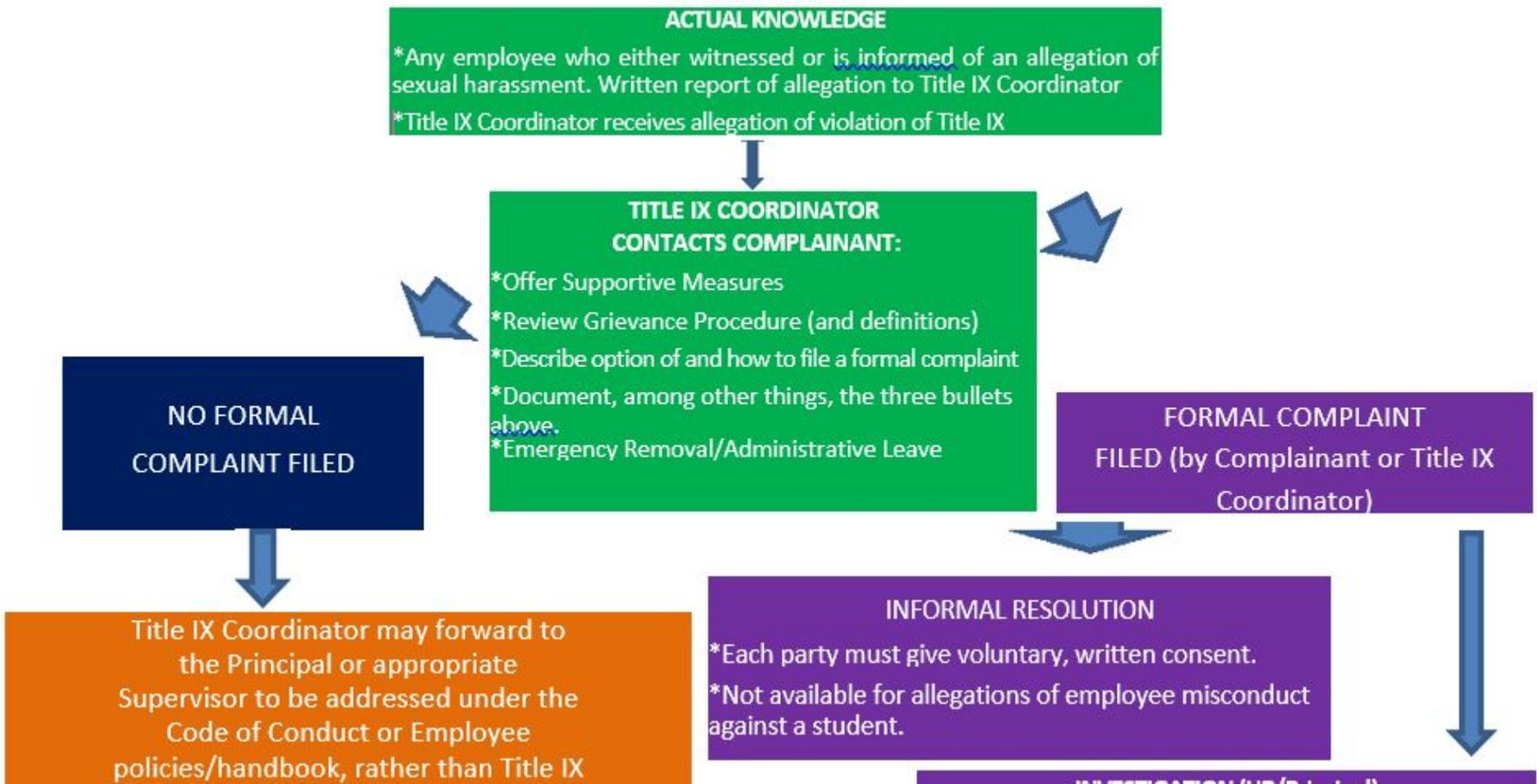
Rights and Responsibilities of the Complainant and the Respondent:

- The Respondent in this allegation is presumed not responsible for the alleged conduct and is NOT subject to any potential disciplinary actions until after the conclusion of the grievance process.
- The Complainant and the Respondent are both able to receive supportive measures to ensure equal access to the District's educational programs and activities.
- The Complainant and the Respondent have a right to any advisor, who may be, but is not required to be, an attorney;
- The Complainant and the Respondent have the right to inspect and review evidence;
- The Complainant and the Respondent will not violate WCPS Board of Education Board Policy-JFC that prohibits knowingly making false statements or providing false information during the grievance process.

Signature _____

William Jackson
Title IX Coordinator
titleixcoordinator@wcps.k12.md.us

Formal Grievance Process – Step-by-Step



Formal Grievance Process – Step-by-Step

policies/handbook, rather than Title IX

MANDATORY DISMISSAL

- *Not an education program or activity
- *Conduct not Sexual Harassment (per Title IX)
- *Conduct occurred outside the jurisdiction of Title IX

PERMISSIVE DISMISSAL

- *Complainant withdraws complaint
- *Respondent no longer affiliated with FCPS
- *Evidence unavailable

Other Remedies

*If determination is that conduct occurred but does not meet Title IX, refer to supervisor/school principal for resolution under other board policy or code of conduct provision.

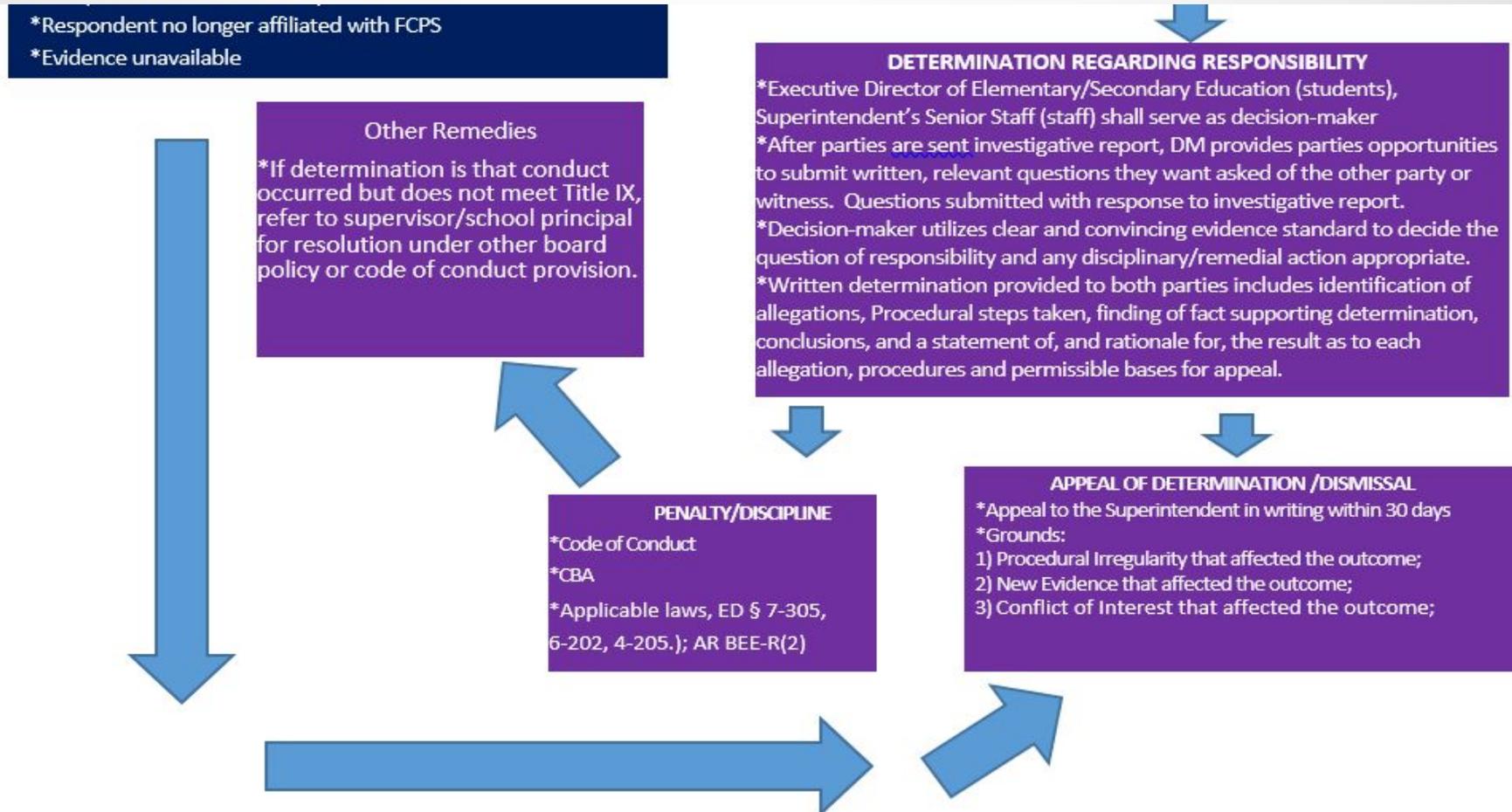
INVESTIGATION (HR/Principal)

- *Written notice of allegations to all parties, notice of grievance process and rights (within 5 working days by TC)
- *Review grounds for dismissal (anytime by TC, see left)
- *Investigator interviews complainant and respondent w/in 5 business days, potential witnesses within 10 days thereafter.
- *Written notice of steps and provide same opportunities for both parties to produce evidence
- *All evidence/interview notes presented to each party/advisor.
- *10 days to inspect and review evidence. Parties have opportunity to respond in writing.
- *Investigator sends final report to parties, parties have at least 10 days to respond before determination.

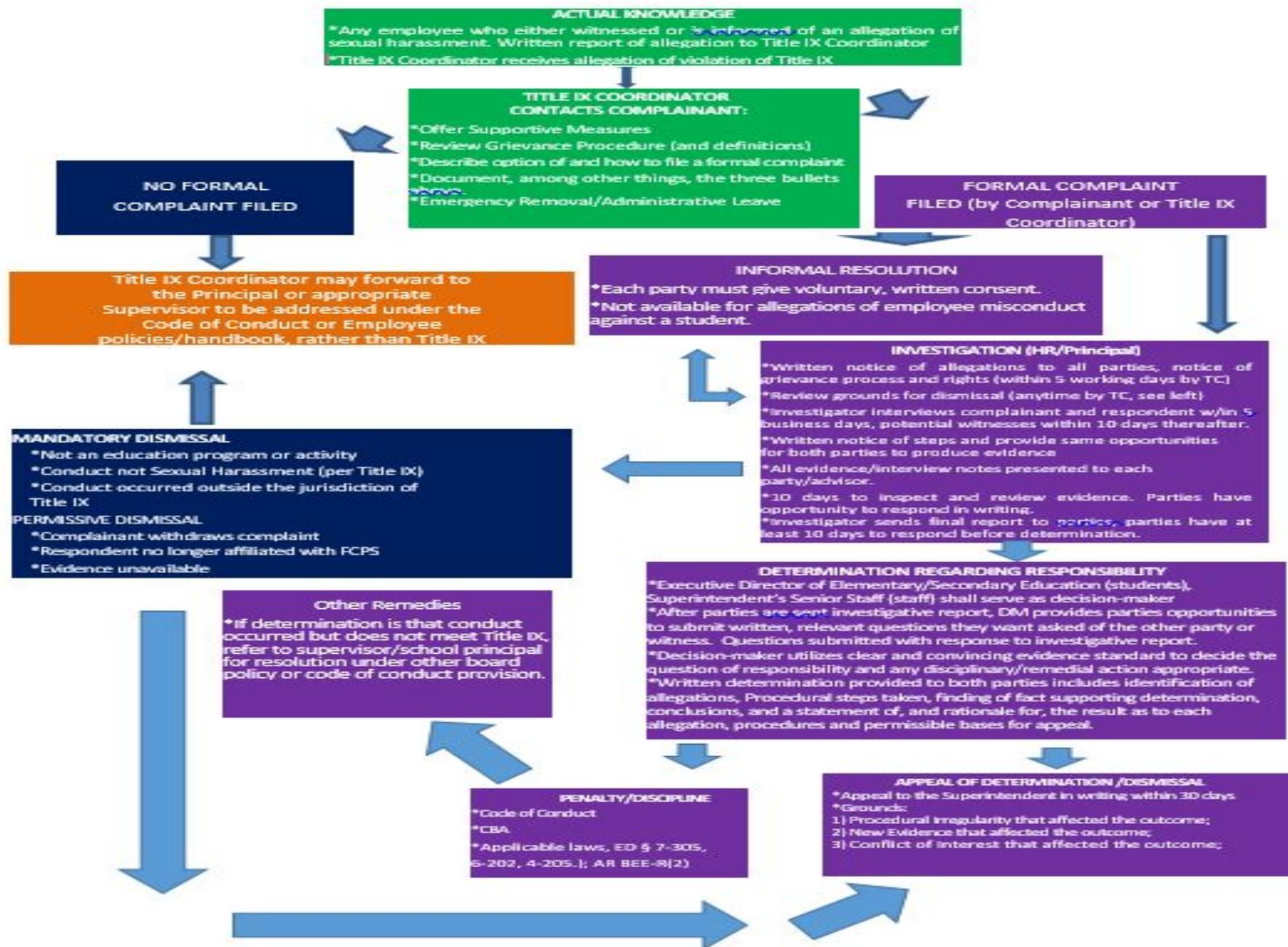
DETERMINATION REGARDING RESPONSIBILITY

- *Executive Director of Elementary/Secondary Education (students), Superintendent's Senior Staff (staff) shall serve as decision-maker
- *After parties are sent investigative report, DM provides parties opportunities to submit written, relevant questions they want asked of the other party or witness. Questions submitted with response to investigative report.
- *Decision-maker utilizes clear and convincing evidence standard to decide the question of responsibility and any disciplinary/remedial action appropriate.
- *Written determination provided to both parties includes identification of allegations, Procedural steps taken, finding of fact supporting determination, conclusions, and a statement of, and rationale for, the result as to each allegation, procedures and permissible bases for appeal.

Formal Grievance Process – Step-by-Step



WCPS TITLE IX GRIEVANCE PROCEDURE FLOWCHART



Formal Grievance Process – Formal Complaints

Investigation: General Principles

- Provide an equal opportunity for the parties to gather and present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence
- Provide parties written notice of the date, time, location, participants, and purpose of all meetings or proceedings, with sufficient time for the party to prepare to participate
- Parties get equal opportunity to have others present during any meetings or proceedings, including the opportunity to be accompanied by the advisor of their choice, who may be, but is not required to be, an attorney
- The investigator and/or decision-maker may establish restrictions regarding the extent to which the advisor may participate in the meetings or proceedings, as long as the restrictions apply equally to both parties

Formal Grievance Process – Formal Complaints

- **Tips for conducting an investigation:**
 - Keep an open mind
 - Gather statements and put the pieces together
 - Let the statements drive your follow up questions
 - Dig deeper when something doesn't add up
 - Witness statements – document, in writing, time/date, location
 - Take and keep notes
 - Date everything (including the year)

Formal Grievance Process – Formal Complaints

- **Tips for conducting an investigation:**
 - Ask open-ended questions
 - Be specific: restate the profanity, harassing statement, conduct
 - Use students' names; sort out FERPA issues later
 - Keep students separated when taking statements
 - Ensure legibility and clarity of statements
 - Use Q & A to clear-up any responses and have the students sign statements
 - The purpose of the interview is to learn information and not to elicit admissions of guilt

Formal Grievance Process – Formal Complaints

- **Tips for conducting an investigation:**
 - Determine credibility
 - Maintain confidentiality to the extent possible
 - Never promise that witnesses' names will not be revealed; explain that the matter will be kept as confidential as possible
 - Run down your sources
 - Keep Title IX Coordinator apprised of investigation

Notice of Scheduled Interview

Date:

This notice is to inform (Person's Name) of their scheduled interview with (Investigator's Name). The purpose of this interview is to investigate a Title IX allegation involving (Complainant's Name) and (Respondent's Name). During our conversation we established we will meet on DATE at TIME with the meeting being held at LOCATION. Also present at this meeting will be (Names and Titles of anyone who would be present). If you need any additional information, please contact me at (Contact Information).

Sincerely,

PRINTED NAME and TITLE

TITLE IX STUDENT- WITNESS INTERVIEW FORM

This form should be used by only the Principal, Assistant Principal, or Title IX Coordinator, or his/her designee, to report a complaint of alleged discrimination or Harassment involving student with student. **This form must be forwarded to the Title IX Coordinator.**

Student Name: _____

Grade: _____

School: _____

Date of Alleged Incident: _____

GENERAL INFORMATION

Please complete this information prior to conducting the interview.

Date of Interview		Time of Interview	
Name of person being interviewed			
Grade of person being interviewed		School of Residence	
Did the witness submit an additional written statement? (if so, please attach.)	Yes	No	
Are there video surveillance tapes to view?	Yes	No	
Does the student being interviewed have a disability?	Yes	No	
Were parents notified the student was going to be interviewed?	Yes	No	
Did the person being interviewed have firsthand knowledge of the allegations being investigated?	Yes	No	

1. Describe the conduct that is being investigated and any information the student provided.

2. List the names of all additional witnesses revealed in this interview.

Completed by:		
_____	_____	_____
Print Name	Title	Date

Signature of Person Completing Report		

Title IX Investigative Report

1. **Identification of Parties:**

Name of Complainant: _____

Name(s) of Respondent(s): _____

Name(s) of Investigator(s): _____

Name(s) of Witness(es): _____

2. **Date of Incident:** _____

3. **Date of Report of Allegations or Formal Complaint:** _____

4. **Date Investigation Initiated:** _____

5. **Summary of Allegation(s):** _____

6. **Notifications and Communications Provided:** (Notice of Complaint, Scheduled interviews, etc.)

7. **Supportive Measures:** (Description and Date offered)

8. **Reasoning for Emergency Removal:** (to be used only if there is an identifiable immediate threat to physical safety)

9. **Alleged Conduct:**

The following prohibited conduct was alleged (see description on next page):

Note: The presumption is that the Respondent (the person accused of misconduct) is not responsible for the alleged misconduct.

10. **Interviews**

Name	Title	Notes

12. Investigation Timeline: (document all actions taken in investigation, include start date and date completed)

13. Findings of Fact Regarding the Determination:

Signature of Person Completing Report: _____
Printed Name and Title: _____
Date Report Completed: _____

11. Other Investigation Resources: (documents reviewed, video reviewed, etc.)

Formal Grievance Process – Formal Complaints

- **Retaliation is Prohibited**

- A retaliation complaint may be filed and processed through the Title IX grievance procedures

- **Conduct Not Constituting Retaliation**

- The exercise of rights protected under the First Amendment does not constitute retaliation
- Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation

Formal Grievance Process – Formal Complaints

Serving impartially, without pre-judgment, without conflict of interest, and without bias

- View each party/witness as a blank slate – do not make assumptions about a party based on their status as a complainant or respondent, their sex, their looks, their academic level/achievement, etc.
- Keep facial expressions and tone of voice neutral – do not express shock, disbelief, anger, etc.
- Observe and listen – do not lead (but ask relevant questions if follow-up is needed)
- Maintain objectivity – do not take sides
- Give each party/witness the same opportunities to be heard
- Treat each party/witness with respect and in calm demeanor

Formal Grievance Process – Formal Complaints

Serving impartially, without pre-judgment, without conflict-of-interest, and without bias

- If you suspect you may have a conflict of interest (i.e., personal involvement in case, prior knowledge of circumstances, personal/familial relationship to party), immediately inform the Title IX Coordinator before proceeding
- If bias, prejudice, or anything else may prevent you from serving fairly and impartially, immediately inform the Title IX Coordinator before proceeding
- If you have any questions about maintaining impartiality, avoiding pre-judgment, avoiding conflict of interest, and non-biased investigating or decision-making, contact the Title IX Coordinator

Hypothetical 1

- Jessica, a 7th grade student at Public Middle School, reports to Ms. Jacobs, her math teacher, that Jimmy, one of Jessica's classmates, has been making comments to her about her looks, has been staring at her in class, and keeps brushing up against her back side in the hallway. She reports that this behavior started two weeks ago and has been happening every day since.
- What should Ms. Jacobs do next?
- As the Title IX Coordinator, what actions do you take?

Hypothetical 2

- James, a freshman on the Public High School Football team, reported to his coach that seniors on the team hazed him and other freshman on the team by subjecting them to sexually humiliating taunts in the locker room, weight room, and during other team activities. James also reported that members of the team have a group chat on social media where seniors post lewd, vulgar, and harassing messages directed towards freshman players. Finally, James reported that members of the team met at the football field at midnight the previous Saturday to engage in hazing rituals, which included more sexually humiliating taunts.
- What should the Coach do next?
- As the Title IX Coordinator, what do you do?
- Does it matter that the alleged respondents are the same sex of the alleged complainant's?
- Does the WCPS have jurisdiction over all aspects of this harassment complaint? What aspects of this scenario inform your decision?

Hypothetical 3

- Rachel tells the Title IX Coordinator that Rich, a fellow student in Rachel's U.S. history class, made comments in class against women's suffrage and argued that women should not be permitted in the military. Complainant stated that this was devastating to her because she interpreted this as an attack on her and other women in the class.
- As the Title IX Coordinator, what do you do?
- Does this scenario present any First Amendment concerns?

Hypothetical 4

- It is the first day of school and Sierra, a high school sophomore, tells the Title IX Coordinator that her boyfriend hit her in the face and wants to file a complaint against him. Sierra states that he hit her six months ago when she was a freshman and he was a senior, but they just broke up over the summer and she felt she should report it.
- As the Title IX Coordinator, what do you do?
- Does the WCPS have jurisdiction over this Title IX Complaint?
- If you cannot implement any remedies against the respondent, are there any other actions you can take?

Other Title IX Action Items

- 1) Notification of identity and contact information of Title IX Coordinator(s) to employees/applicants, students, parents, unions;**
- 2) Notification of Nondiscrimination Policy to employees/applicants, students, parents, unions;**
- 3) Publication of Title IX Coordinator(s) identity and contact information;**
- 4) Adoption and Publication of Title IX Grievance Procedures;**
- 5) Training of Title IX Coordinators, Investigators, Decision-Makers, and Information Resolution Facilitators;**
- 6) Publication of Training Materials on Website;**
- 7) Recordkeeping (7 years).**

Questions

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