

South Hamilton Community School District

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Formal Complaint of Sexual Harassment

Name: _____

Date: _____

Name of individual(s) who engaged in the conduct alleged below:

Describe the conduct that led to this complaint (attach additional pages if needed):

Date(s) of each incident:

Location(s) of each incident:

Names of possible witnesses:

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: _____ Date: _____

Reporting Form for Individuals to Report Sexual Harassment

Name of individual filing this report: _____

Date: _____

Were you the target of the conduct alleged in this report?

If no, who was the target of the conduct alleged in this report?

Name of individual who engaged in the conduct alleged below:

Describe the conduct that led to this complaint (attach additional pages if needed):

Date(s) of each incident:

Location(s) of each incident:

Names of possible witnesses:

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: _____ Date: _____

Notice of Investigation to Complainant

[To be provided by Title IX Coordinator to Complainant at the initiation of an investigation]

[Date]

Dear [Complainant's Name],

The South Hamilton Community School District received your complaint alleging that [Respondent's name] (the "Respondent") engaged in conduct that may constitute sexual misconduct under District Policy. Specifically, you submitted a complaint alleging that the Respondent [description of alleged conduct in complaint including time, date, location, and specific acts of respondent alleged in complaint].

The policy Respondent is alleged to have violated is [insert all applicable policy names/numbers – including Title IX and others as applicable], and specifically its prohibition on [specific type of sexual harassment alleged – e.g., hostile environment, stalking, etc.]. A complete copy of the District's Title IX procedures is [insert link or attach to this letter]. Please review these procedures carefully and let me know if you have any questions.

The District must investigate formal complaints of potential sexual misconduct as required by policy and law, to the extent of the information available. We have assigned [NAME(s)] as the Investigator(s) who will gather information and make factual findings in this case. If you have any concerns about the impartiality of the Investigator(s), please let me know immediately.

The Respondent is entitled to a presumption of innocence, which will be maintained throughout the process until a determination of responsibility is made. The Investigator(s) will be in contact with you to schedule a time to formally interview you for the investigation. You may be accompanied by a support person, advisor, or advocate of your choice to the investigation interview, including a lawyer, at your own expense. This person should not be someone who you will also identify as a witness.

As part of this process, you will have a right to provide evidence and witnesses for the Investigator's consideration, and to review and comment on evidence gathered by the Investigator(s) from the other party and witnesses. The District will objectively evaluate all relevant evidence, including inculpatory (proves a violation) and exculpatory (proves no violation) evidence to reach a determination of responsibility.

Consistent with the Policy, you are hereby directed not to delete any potentially relevant evidence, including electronic files, records, or data in your possession. You are further directed not to sell, give away, destroy, or otherwise surrender possession of any personal or District-issued devices. Do not wipe or reformat any personal or District-issued devices. Do not delete any social media or email accounts that you currently have or delete any content or data from the same. These directives are effective immediately and remain in effect until further notice. If you have any questions about this directive, please contact me.

The District works to maintain confidentiality in the resolution process, and we ask for your discretion in minimizing the sharing of information to respect the sensitivity of this matter to all parties. You are directed to refrain from contacting the Respondent throughout this process. Additionally, you are reminded about the District's policy against retaliation, either by you or by someone acting on your behalf. Any individual who believes they have been retaliated against for participation in this process should immediately report it to _____.

You are expected to cooperate in an honest and forthright manner with this investigation. Making false statements or knowingly submitting false information during the grievance process is prohibited by the District and may constitute an independent basis for disciplinary sanctions against any student or employee, up to and including suspension or expulsion of a student or termination of an employee's employment.

I understand this is a lot of information. Please let me know if you have any questions at any point during the process.

Sincerely,

Title IX Coordinator

South Hamilton Community School District

[CONTACT INFORMATION FOR TIX COORDINATOR]

Notice of Investigation to Respondent

[To be provided simultaneously by Title IX Coordinator to Respondent upon initiation of investigation]

[Date]

Dear [Respondent's Name],

The South Hamilton Community School District received a complaint alleging that you engaged in conduct that may constitute sexual misconduct under District Policy. Specifically, [name of complainant] (the "Complainant") submitted a complaint alleging that you [description of alleged conduct in complaint including time, date, location, and specific acts of respondent alleged in complaint].

The policy you are alleged to have violated is [insert all applicable policy names/numbers – including Title IX and others as applicable], and specifically its prohibition on [specific type of sexual harassment alleged – e.g., hostile environment, stalking, etc.]. A complete copy of the District's Title IX procedures is [insert link or attach to this letter]. Please review these procedures carefully and let me know if you have any questions.

The District must investigate formal complaints of potential sexual misconduct as required by policy and law, to the extent of the information available. We have assigned [NAME(s)] as the Investigator(s) who will gather information and make factual findings in this case. If you have any concerns about the impartiality of the Investigator(s), please let me know immediately.

You are entitled to a presumption of innocence, which will be maintained throughout the process until a determination of responsibility is made. The Investigator(s) will be in contact with you to schedule a time to formally interview you for the investigation. You may be accompanied by a support person, advisor, or advocate of your choice to the investigation interview, including a lawyer, at your own expense. This person should not be someone who you will also identify as a witness.

As part of this process, you will have a right to provide evidence and witnesses for the Investigator's consideration, and to review and comment on evidence gathered by the Investigator(s) from the other party and witnesses. The District will objectively evaluate all relevant evidence, including inculpatory (proves a violation) and exculpatory (proves no violation) evidence to reach a determination of responsibility.

Consistent with the Policy, you are hereby directed not to delete any potentially relevant evidence, including electronic files, records, or data in your possession. You are further directed not to sell, give away, destroy, or otherwise surrender possession of any personal or District-issued devices. Do not wipe or reformat any personal or District-issued devices. Do not delete any social media or email accounts that you currently have or delete any content or data from the same. These directives are effective immediately and remain in effect until further notice. If you have any questions about this directive, please contact me.

The District works to maintain confidentiality in the resolution process, and we ask for your discretion in minimizing the sharing of information to respect the sensitivity of this matter to all parties. You are directed to refrain from contacting the Complainant throughout this process. Additionally, you are reminded about the District's policy against retaliation, either by you or by someone acting on your behalf. Any individual who believes they have been retaliated against for participation in this process should immediately report it to _____.

You are expected to cooperate in an honest and forthright manner with this investigation. Making false statements or knowingly submitting false information during the grievance process is prohibited by the District and may constitute an independent basis for disciplinary sanctions against any student or employee, up to and including suspension or expulsion of a student or termination of an employee's employment.

I understand this is a lot of information. Please let me know if you have any questions at any point during the process.

Sincerely,

Title IX Coordinator

South Hamilton Community School District

[CONTACT INFORMATION FOR TIX COORDINATOR]

Notice of Interview

[to be provided to complainant(s) and respondent(s) prior to any interview or other meeting with sufficient time to prepare for the interview/meeting]

[Date]

Dear [name of party]:

As you know from the Notice of Investigation, the District is conducting an investigation into a complaint of sexual harassment in which you are named as a party.

You will be interviewed by the District's Investigator(s), [insert investigator(s) names] at [location], on [date] at [time]. The purpose of this interview is to ask you questions about what you know or may know about the allegations in the complaint, including identifying and producing any relevant evidence and witness names for the Investigator's consideration.

The individuals present at this interview will be yourself, the Investigator, [include any other names of anticipated attendees, if any]. You are entitled to be accompanied by a support person, advocate, or attorney, at your own expense. However, any person accompanying you may not participate in the interview, answer questions on your behalf, or question the Investigator about any matter.

If you have any questions, please let me know.

Sincerely,

[name and title of Title IX Coordinator or Investigator]
[contact information]

Title IX Investigation Report Form

[to be completed by Title IX Investigator(s)]

Name of Investigator:

Date of report:

Scope of investigation: This investigation considered claims made by [Complainant name and role (student, employee, etc.)] (the “Complainant”) as to whether or not [Respondent name and role] (the “Respondent”) has violated District policy no. [insert name and title of Title IX and other applicable policies].

This report will only provide a summary of the facts as determined by the investigator and is not a final determination of the allegations.

Jurisdiction: [state whether the evidence shows that the District exercises substantial control over both the Respondent and the circumstances under which the alleged sexual harassment occurred – if not, then the complaint must be dismissed from the Title IX process, and can be handled under any other applicable District policy or procedure].

Parties (list all):

Complainant- NAME

Respondent – NAME

Nature of Alleged Conduct Constituting Sexual Harassment:

Procedural history:

- A report was made to the District by _____ on [date]. A formal complaint was provided by the Complainant to the Title IX Coordinator on [date].
- The Title IX Coordinator assigned this Investigator on [date] to conduct an investigation into the formal complaint. Notices of Investigation were provided to both parties on [date].
- This Investigator interviewed the following individuals:
 - Complainant – name and date of interview
 - Respondent – name and date of interview
 - Any witnesses – names and dates of interview
- This Investigator also reviewed the following evidence:
 - List of any documents, videos, photos, or other evidence provided by any party or witness
- On [date not less than 10 days before the date of this report], this Investigator provided Complainant and Respondent with copies of all evidence obtained by this Investigator. Complainant and Respondent had an opportunity to provide a written response to this evidence, prior to the Investigator completing this Investigation Report. [Indicate whether each party did or did not provide a written response].
- [include any other procedural steps, including if there have been significant delays in the process or other unexpected events]

Summary of Interviews:

Complainant Interview:

Witness A interview:

Witness B interview:

Respondent Interview:

Summary of Other Evidence Received:

Feedback from Parties following Receipt of Evidence Directly Relating to Complaint:

Investigator’s Observations Regarding Credibility of Parties and Witnesses:

Note: Investigator's Observations Regarding Credibility of Parties and Witnesses is optional but not required. Ultimately the decision-maker’s job, but the investigator has the ability to observe firsthand so might be helpful to decision-maker. REMOVE this note once a decision has been made, prior to publishing.

This report will be provided to the Title IX Coordinator, Complainant and Respondent (and any advocate or attorney for each), and _____, who has been designed as the Decision-Maker for this Complaint.

Sincerely,

[Name, title], Investigator

Decision on Formal Complaint

[to be completed by decision-maker]

Name of Decision-Maker(s):

Date of Determination:

Names of Parties to the Complaint: [Complainant(s) and Respondent(s)]

List the allegations in the complaint:

Procedural history: [A description of the procedural steps taken from the receipt of the formal complaint through the determination of responsibility – can use what is in the investigation report as a starting point in addition to the following:]

- The parties were provided the investigation report on [date – at least 10 days prior to date of this determination]. The parties had an opportunity to submit written response to the investigation report for consideration prior to this decision-maker reaching a determination regarding responsibility. [indicate whether each party did or did not submit a written response].
- The parties had an opportunity to submit written questions to be asked of the other party and any witnesses. The decision-maker asked all relevant questions and provided the responses to those questions to the parties. The parties had a limited opportunity for follow-up questions [if applicable].
- The decision-maker considered all available, relevant evidence prior to reaching the determination(s) contained in this report.

Findings of fact for each allegation:

Statement of undisputed material facts:

Findings on disputed material facts:

Conclusions: [Conclusions for each allegation regarding the application of this Policy and any other relevant District policy, procedure, handbook provision, or rule to the facts. Include a statement of whether each allegation is founded or unfounded, and rationale for this determination]

Sanctions: [Include any sanctions that will be imposed (or recommended if outside the authority of the decision-maker) on respondent, if any, and a rationale therefor]

Remedies: [include any remedies the District will provide to restore or preserve Complainant's access to the District's educational program or activity, if applicable, and a rationale therefor]

Appeal Procedures: Within five (5) calendar days of delivery of the written decision to them, either party may appeal this decision and/or any sanction imposed herein to _____ or her/his designee. Such appeals will be in writing and will be delivered to the _____ or her/his designee. The _____ or her/his designee will determine if the written decision will be stayed pending the outcome of the appellate decision. Appeals will be limited to any of the following bases:

- A procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the written decision was issued that could affect the outcome of the matter; or
- The Title IX Coordinator, Investigator(s), or Decision-Maker had a conflict of interest or bias that affected the outcome of the matter.

The _____ or her/his designee will notify both parties in writing if an appeal is received alleging one of the bases for appeal above. Both parties will be given an opportunity to submit a written statement in support of, or challenging, the written decision. The parties' written statements must be submitted within five (5) calendar days of notice of the appeal.

Retaliation: Retaliation against a person who reports sexual misconduct, assists someone with a report of sexual misconduct, or participates in any manner in an investigation or resolution of a sexual misconduct report is strictly prohibited. Retaliation includes threats, coercion, discrimination, intimidation, reprisals, and/or adverse actions related to employment or education. Any individual who believed they have been retaliated against in violation of this Policy should immediately contact the District's Title IX Coordinator, [insert name and contact information for Title IX Coordinator].

Sincerely,

[name(s) and title(s) of decision-maker(s)]

Date

Appeal Form

[to be filled out by a party wishing to appeal the initial determination/sanction]

Name of Appealing Party:

Role in complaint: [Complainant or Respondent]

Date:

I, _____, hereby appeal the written decision on the grounds that (check at least one):

___ A procedural irregularity affected the outcome of the matter. The facts supporting this appeal are (attach additional pages if needed):

___ New evidence was not reasonably available at the time the written decision was issued that could affect the outcome of the matter. The facts supporting this appeal are (attach additional pages if needed):

___ The Title IX Coordinator, Investigator(s), or Decision-Maker(s) had a conflict of interest or bias that affected the outcome of the matter. The facts supporting this appeal are (attach additional pages if needed):

I hereby affirm that the foregoing is true and correct to the best of my knowledge.

Signature of appealing party

Notice of Appeal

[to be provided simultaneously to both Complainant and Respondent]

[date]

Dear [party name]:

This is a notice that a timely appeal has been filed by [name of appealing party] challenging the decision issued by [name and title of initial decision-maker] in the formal sexual harassment complaint made by [Complainant's name] against [Respondent's name].

This appeal alleges that [state the basis for appeal provided on the appeal form and briefly summarize the allegations of the appealing party].

This appeal will be reviewed by [name and title of appeal decision-maker]. You have the right to provide a written statement to [the appeal decision-maker] in support of, or challenging, the written decision. Please submit your written statement [indicate whether in-person, email, or other] within five (5) calendar days of the date of this letter.

If you have any questions, please let me know.

Sincerely,

[name, title, contact information]

Determination on Appeal

[to be delivered simultaneously to both Complainant and Respondent]

[date]

Dear [party name]:

I have carefully considered the appeal filed by [name of appealing party], challenging the written decision on the complaint of sexual harassment made by [complainant's name] against [respondent's name].

Based on my review of this matter, it is my determination that the decision should be [affirmed – OR- reversed – OR – modified as follows... - OR – this matter should be remanded back to the investigator or decision-maker to take the following actions...]. I reached this determination [for the following reason(s) – brief description of rationale]. Pursuant to District policy, this decision is final and is not subject to further appeal.

Retaliation against any individual who files or otherwise participates in bringing a complaint is strictly prohibited under federal and state law, as well as District policy. Founded acts of retaliation will result in disciplinary action up to and including termination. Any individual who believes they have been retaliated against for participation in this process should report any concerns immediately to

_____.

Sincerely,

[Name and Title of Appeal Decision-Maker]

Informal Resolution

[to be provided to Complainant and Respondent by Title IX Coordinator]

[date]

Re: Informal resolution of complaint involving [complainant's name] and [respondent's name]

Dear [party name]:

This letter sets forth information about the District's informal resolution process. If both parties consent, this process may help you reach a mutually acceptable resolution to the formal complaint.

The formal complaint made by [complainant's name] alleges that [respondent's name] [include the allegations in the formal complaint].

To resolve this complaint, the Title IX Coordinator will meet separately with each party to gather information relevant to the complaint and discuss possible ways to resolve the complaint. If the parties agree to a resolution, the Title IX Coordinator will draft a resolution agreement to be reviewed by both parties. Each party may sign the resolution agreement if they voluntarily agree to the terms. Once the agreement is signed by each party, it is final and is not subject to appeal.

Either party may withdraw from informal resolution at any point prior to signing the resolution agreement. The Complainant may then decide whether to proceed with the formal grievance process under District policy (including investigation and determination of responsibility) or to withdraw the formal complaint. Supportive measures may be provided during informal resolution, during a formal grievance, and/or after the formal complaints is resolved, dismissed, or withdraw.

The Title IX Coordinator will retain a copy of the formal complaint and any resolution agreement for a period of seven (7) years following the closure of the complaint. In order to promote honest, direct, communication, information disclosed during informal resolution will remain confidential, except where disclosure may be required by law or authorized in connection with duties on behalf of the District.

If you have any questions, please let me know. Otherwise, if you voluntarily agree to participate in the informal resolution process, please sign below.

Sincerely,

[name], Title IX Coordinator

By signing below, I, [party name], hereby knowingly and voluntarily agree to participate in informal resolution to the complaint identified above.

Signature

Date

Notice of Dismissal

[to be provided simultaneously to Complainant and Respondent upon dismissal of a formal complaint]

[date]

Dear [party name]:

This letter hereby notifies you that the sexual harassment complaint filed on [date] is being dismissed by the District for the following reason [check one]:

- _____ The conduct alleged in the complaint would not constitute sexual harassment as defined in Section II of this policy, even if proved;
- _____ The conduct alleged not occur in the District’s education program or activity; or
- _____ The conduct did not occur in the United States.
- _____ The Complainant notified the Title IX Coordinator in writing that the Complainant wished to withdraw the formal complaint or any allegations;
- _____ The Respondent is no longer enrolled or employed by the District; or
- _____ Specific circumstances exist that prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations. These circumstances are:

_____.

This dismissal may be appealed by submitting a written appeal to [name, title, contact information of designated appeal decision-maker] within five (5) calendar days of the date of this Notice of Dismissal. Appeals are limited to the following grounds:

- A procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time this dismissal was issued that could affect the outcome of the matter; or
- The Title IX Coordinator, Investigator(s), or Decision-Maker had a conflict of interest or bias that affected the outcome of the matter.

Even after dismissal of a formal complaint from the District’s Title IX grievance process, the District may still (1) offer supportive measures to either party and/or (2) investigate and resolve the complaint under any other applicable District policy or process. You will be notified if the District intends to take further action on this complaint.

If you have any questions, please let me know.

Sincerely,

[Name, title, contact information for Title IX Coordinator]

Documentation of District Response

[to be completed and maintained by Title IX Coordinator for 7 years for record-keeping purposes]

[date]

Complaint Information:

Complainant name:

Respondent name:

Was a formal complaint filed?

If so, on what date?

District Response:

Were supportive measures provided to Complainant? If so, list all supportive measures that were provided.

If not, please explain why it was not clearly unreasonable for the District not to provide Complainant with supportive measures.

What other steps were taken in response to the report or formal complaint? E.g., resolved through informal resolution, resolved through formal grievance process (indicate whether founded or unfounded).

What sanctions were issued as a result of the report or formal complaint, if any?

What remedies were issued as a result of the report or formal complaint, if any?

In light of the above, do you believe the District's response was not deliberately indifferent? Briefly explain.

[Name], Title IX Coordinator

Date