



TITLE IX MANDATED TRAINING

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NOTICE: These samples do not constitute legal advice and should not be relied upon or used as legal advice. The samples do not address any school district’s local policies or circumstances and are not necessarily an exhaustive treatment of any legal or policy issues. If a school district requires legal advice regarding any topic, issue, situation or incident, the advice should be obtained from the school district’s designated legal counsel.

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APPENDIX A: SAMPLE TITLE IX NOTICE

(This sample covers the content of various notices required by the federal Title IX regulations. Specifically, the Title IX regulations require school districts to provide notice of all of the information included in this sample to students, parents or legal guardians of elementary and secondary school students, employees, all applicants for admission or employment, and all unions or professional organizations holding collective bargaining or professional agreements with the school district. In addition, the Title IX regulations require each school district to prominently display the district’s Title IX nondiscrimination policy statement and the contact information for the Title IX coordinator(s) on the district’s website (if any) and in each handbook or catalog that the district makes available to the persons identified in the previous sentence.)

NOTICE OF SCHOOL DISTRICT POLICIES ON SEX DISCRIMINATION, THE DISTRICT’S TITLE IX COORDINATOR(S), AND PROCEDURES FOR REPORTING OR FILING A COMPLAINT OF SEX DISCRIMINATION

Title IX Nondiscrimination Policy Statement –

As mandated by the current provisions of Title IX of the Education Amendments of 1972 and under the regulations set forth in Chapter 106 of Title 34 of the Code of Federal Regulations (“the federal Title IX regulations”), the District does not unlawfully discriminate on the basis of sex in any education program or activity that the District operates. Title IX’s requirement not to discriminate in any education program or activity extends to cover, but is not limited to, District students, certain admissions processes, and District employment. Inquiries regarding how Title IX and the federal Title IX regulations apply to the District may be referred to a District Title IX Coordinator (as designated below), to the Assistant Secretary for Civil Rights at the U.S. Department of Education, or to both.

The District’s commitment to nondiscrimination under Title IX and under other state and federal laws is further defined in the following policies of the School Board: *[Insert applicable references—e.g., Policy 113, Policy 411, Policy 411.1, Policy 511, and Policy 512].*

District Title IX Coordinators –

The District employees who hold each of the positions identified below serve as Title IX Coordinators for the District:

<u><i>[REGULAR POSITION TITLE]</i></u> <u><i>[PHYSICAL OFFICE ADDRESS]</i></u> <u><i>[OFFICE MAILING ADDRESS, if different]</i></u> <u><i>[OFFICE TELEPHONE]</i></u> <u><i>[DISTRICT-ISSUED EMAIL ADDRESS]</i></u>	<u><i>[REGULAR POSITION TITLE]</i></u> <u><i>[PHYSICAL OFFICE ADDRESS]</i></u> <u><i>[OFFICE MAILING ADDRESS, if different]</i></u> <u><i>[OFFICE TELEPHONE]</i></u> <u><i>[DISTRICT-ISSUED EMAIL ADDRESS]</i></u>
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Reporting Sex Discrimination –

Any person (including a person who is not claiming to have been personally harmed/victimized by the alleged discrimination) may report a concern or allegation regarding prohibited sex discrimination (including sexual harassment) to the District. Such reports may be submitted as follows:

1. To a District Title IX Coordinator, either in person, by U.S. mail, by telephone, or by electronic mail, using the contact information listed above. In person reports should be made when the Title IX Coordinator is reasonably available during regular working hours. Reports submitted by telephone, mail, or electronic mail may be made at any time.
2. By any other means that results in a Title IX Coordinator actually receiving the person's verbal or written report.

{Editor's Note: The reporting procedures listed above were drafted to parallel the minimum requirements for reporting procedures under the Title IX regulations. If the district offers additional methods for filing reports and complaints of sex discrimination, such as an online form or other electronic submission portal, the above language should be modified to identify such additional procedures. Ensure that the reporting procedures identified in this notice are consistent with the reporting procedures included in any related policy or rule.}

Filing Formal Complaints of Title IX Sexual Harassment –

As required by the federal Title IX regulations, the District has established a formal grievance process for investigating and resolving “formal complaints” of “sexual harassment,” as those terms are defined in the regulations.

An individual who is alleged to be the victim of conduct that could constitute sexual harassment under the federal Title IX regulations (i.e., a Title IX “complainant”), or a parent or guardian who has a legal right to act on behalf of such an individual, may file a formal complaint of sexual harassment. No Title IX complainant is obligated to file a formal complaint, but a qualifying formal complaint is necessary for the District to start an investigation using the District’s formal Title IX grievance process.

Complainants are expected to file formal complaints of sexual harassment with a District Title IX Coordinator by submitting a document or electronic submission in person, by U.S. mail, or by electronic mail, using the contact information specified above. *[Carefully review any related local policy or rule and insert a description of any other procedures that the district has established for filing a formal complaint of Title IX sexual harassment.]* *{Editor's Note: It is very important to coordinate the filing procedures included in this notice with the actual filing procedures that are identified in the applicable policy or rule. Modifications to the sample language may be needed.}*

Additional requirements for formal complaints of Title IX sexual harassment, including a description of the required content for a formal complaint, are set forth in *[insert the applicable reference—e.g., “Policy 113 within the School Board’s policies”]*.

District Response to Reports and Complaints of Sex Discrimination and to Formal Complaints of Sexual Harassment under Title IX –

The District has established grievance procedures through which the District structures its response to reports that allege unlawful discrimination on the basis of sex in any education program or activity of the District. Those procedures are set forth in *[insert the applicable reference(s)—e.g., “411-Rule 1 and 511-Rule 1, as published on the District’s website”]*. The purpose of such procedures is to provide for the prompt and equitable resolution of any report or complaint of alleged sex discrimination, excluding formal complaints of sexual harassment under Title IX (which are subject to a different process).

Any time that the District has actual knowledge of sexual harassment or allegations of sexual harassment that could constitute a violation of Title IX, the District has obligations to respond to such knowledge in a manner that is not deliberately indifferent and in a manner that treats the alleged victim(s) of sexual harassment and the alleged perpetrator(s) of sexual harassment equitably. Such a response includes, but is not limited to, offering supportive measures to a complainant and investigating and resolving any formal complaint that presents allegations of Title IX sexual harassment using the formal grievance process that the District has adopted for such formal complaints. District procedures for responding to alleged sexual harassment under Title IX, including the formal grievance process, are set forth in *[insert the applicable reference(s)—e.g., “113-Rule 1, as published on the District’s website”]*. ***{Editor’s Note: In all cases where a Title IX notice cross-references a document/policy that is available electronically, and the notice itself is provided in an electronic format, a district should include an electronic link to the cross-referenced item(s).}***

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**APPENDIX B: SAMPLE LETTER TO COMPLAINANT
FOLLOWING AN INITIAL REPORT OR COMPLAINT OF
TITLE IX SEXUAL HARASSMENT**

NOTE: The Title IX regulations require school districts to respond to notice of Title IX sexual harassment by taking steps that include having the Title IX Coordinator directly contact the alleged victim of the harassment. This letter starts the process of contacting the complainant and providing the complainant with information about supportive measures and the process for filing a formal complaint. The sample letter assumes that an additional direct contact or some other type of follow-up meeting will occur at which the Title IX Coordinator will fulfill additional communication requirements that are established in the Title IX regulations.

[DISTRICT LETTERHEAD]

[DATE]

[NAME]

[ADDRESS]

Re: Report of Sexual Harassment

Dear **[NAME]**:

This letter is intended to inform you that the District has received a report of alleged sexual harassment. You have been identified as the complainant, which means that you are the individual who is alleged to be the victim of conduct that could constitute sexual harassment under a federal law known as “Title IX.”

I am the Title IX Coordinator for the District, and based on the report, I am required to promptly contact you and discuss the availability of “supportive measures.” Such supportive measures are discussed below and are available to you with or without filing a formal complaint related to the reported conduct.

“Supportive measures” are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge. Such measures are designed to restore or preserve equal access to the District’s education program or activity, without unreasonably burdening the other party; protect the safety of all parties and the District’s educational environment; and deter sexual harassment. Examples of possible supportive measures include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, changes in work

locations (for employees), leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

I will contact you to discuss the availability of supportive measures. Please note that I will also consider your wishes with respect to supportive measures. I am responsible for coordinating the effective implementation of supportive measures.

Please be aware that you may also file a formal complaint related to the alleged sexual harassment. Enclosed is a copy of one or more school district policies addressing sex discrimination and sexual harassment, including the policy that identifies the process for filing a formal complaint. I will also explain to you the process for filing a formal complaint.

Sincerely,

Title IX Coordinator
[NAME OF SCHOOL DISTRICT]

Enclosure: *[Identify Applicable District Policies]*

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**APPENDIX C: DOCUMENTING THE DISTRICT'S
RESPONSE TO NOTICE OF SEXUAL HARASSMENT**

NOTE: This sample presents one approach to documenting a school district's response to a report or other notice of conduct that could constitute Title IX sexual harassment. The Title IX regulations include specific documentation requirements. This sample takes the approach of a "memo to file." An alternative approach to the relevant documentation requirements would involve creating a form that captures the necessary information about the district's response to the report of sexual harassment.

[DISTRICT LETTERHEAD]

Memorandum

To: *File*

From: *Title IX Coordinator*

Date: *[Date of Memorandum]*

Re: *[Name of Complainant]*

Actions Taken in Response to Report of Alleged Sexual Harassment

This memorandum is intended to document that, on *[Date of Discussion with Complainant]*, I spoke with *[Name of Complainant]*, who was identified as the complainant in a report of sexual harassment that was brought to my attention on or about *[Date that the Title IX Coordinator received notice of the report]*.

During that discussion, I informed the complainant of the availability of supportive measures and informed the complainant that such supportive measures were available with or without a formal complaint. I also considered the complainant's wishes with respect to supportive measures. Specifically, the complainant stated the following wishes: *[Document wishes of complainant.]*

I also informed the complainant that he/she may file a formal complaint related to the alleged sexual harassment. I also explained to the complainant the process for filing a formal complaint.

I also communicated with the complainant in writing on the above issues and provided the complainant with a copy of District policies addressing sex discrimination and sexual harassment.

The following actions were taken in response to the report of alleged sexual harassment. *[Describe actions taken.]*

The measures and actions taken were designed to restore or preserve access to the District's educational program or activity. These actions restored or preserved access by: ***[Describe how the actions helped restore or preserve access]***.

I have concluded that my response was not deliberately indifferent. My response was not deliberately indifferent (or clearly unreasonable under the circumstances) because: ***[Describe basis for this conclusion]***.

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APPENDIX D: SAMPLE FORMAL COMPLAINT FORM

NOTE: This is a sample formal complaint form that addresses each of the mandatory aspects of a formal complaint of Title IX sexual harassment. Even if a district makes this form available to complainants, the district should not strictly require the use of the form.

FORMAL COMPLAINT OF SEXUAL HARASSMENT

This formal complaint is filed by the complainant (or parent or guardian on behalf of the complainant) or signed by the Title IX Coordinator.

If this formal complaint is filed by the complainant, it may be filed with the Title IX Coordinator in person, by mail, by electronic mail, by using the contact information for the Title IX Coordinator, or by any additional method designated by the District. A document filed by a complainant means a document or electronic submission that contains the complainants physical or digital signature or otherwise indicates that the complainant, or a parent or guardian acting on behalf of a complainant, is the person filing the formal complaint.

This formal complaint is intended to request the District to investigate the allegation of sexual harassment.

This formal complaint must either attach or include below the specific allegations of sexual harassment against a respondent about conduct within the District’s education program or activity.

The allegations of sexual harassment are as follows:

The conduct occurred within the District’s education program or activity in the following respect: _____

A respondent is any individual who is reported as the alleged perpetrator of conduct that could constitute sexual harassment. The respondent(s) related to the conduct alleged above (if known) are the following individuals: _____.

Printed Name of Complainant or Title IX Coordinator

Date

Signature of Complainant or Title IX Coordinator

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**APPENDIX E: SAMPLE NOTICE OF A FORMAL
COMPLAINT OF TITLE IX SEXUAL HARASSMENT**

[DISTRICT LETTERHEAD]

[DATE]

[NAME]
[ADDRESS]

RE: Notice of a Formal Complaint of Sexual Harassment

Dear **[NAME]**:

This notice is intended to inform you that a formal complaint alleging sexual harassment under Title IX has been filed by a complainant or signed by the Title IX Coordinator with the District. You are being provided this notice because you are a party to this formal complaint.

Enclosed please find a copy of the District's sexual harassment policy, including the District's Title IX grievance process for this formal complaint ***[include if applicable: "and the District's informal resolution process"]***. Please be informed that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. Please also be aware that the parties may request to inspect and review evidence that is directly related to the allegations raised in the formal complaint.

The parties may have an advisor of their choice, who may be, but is not required to be, an attorney. Please also be aware that, as provided in ***[identify the relevant policy or code of conduct provision that establishes the rule]***, the District prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

Please be advised of the following allegations that potentially constitute sexual harassment: ***[Include a description of the allegations, including sufficient details known at the time. Sufficient details include the identities of the parties involved in the incident(s), if known; the conduct allegedly constituting sexual harassment under §106.30; and the date and location of the alleged incident(s), if known.]***

At the District's discretion, conduct that is investigated using the District's grievance process for allegations of Title IX sexual harassment may be assessed under all relevant legal standards and all applicable District policies, rules, and codes of conduct.

If, during the investigation, the District decides to investigate allegations about the complainant or respondent that are not included in the notice, the District will provide notice of the additional allegations to you. This notice is being provided to the parties with sufficient time to prepare a response before any initial interview.

Sincerely,

Title IX Coordinator
[NAME OF SCHOOL DISTRICT]

Enclosure: Sexual Harassment Policy / Grievance Process for Formal Complaints

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**APPENDIX F: SAMPLE NOTICE OF MANDATORY
DISMISSAL OF A FORMAL COMPLAINT OF TITLE IX
SEXUAL HARASSMENT**

IMPORTANT: This sample letter assumes that the complaint is being dismissed in its entirety for purposes of the District’s Title IX grievance process. If only some of the allegations are being dismissed (i.e., the complaint is being dismissed in part), substantial modifications to this letter would be needed to address such “dismissal in part.”

[DISTRICT LETTERHEAD]

[DATE]

[NAME]

[ADDRESS]

RE: Notice of Dismissal of Formal Complaint of Sexual Harassment

Dear *[NAME]*:

The District has reviewed the allegations in a formal complaint of sexual harassment that was either filed by a complainant or signed by the Title IX Coordinator.

Upon review, I have concluded that the formal complaint must be dismissed. It must be dismissed because *[Choose one: (1) the conduct alleged in the formal complaint, even if proven, would not constitute sexual harassment as defined under the federal law known as “Title IX”; (2) the conduct did not occur within the education program or activity of the District; or (3) the conduct did not occur against a person in the United States].*

[Further explain the reason(s) for dismissal.]

Because dismissal is required under Title IX, I am sending this written notice of dismissal simultaneously to the relevant parties. Dismissal for purposes of Title IX does not preclude the District from taking further action related to the alleged conduct if doing so is determined to be appropriate under any of the District’s nondiscrimination policies or other District policies or rules.

This dismissal decision may be appealed to the extent provided in the District’s grievance process for formal complaints of Title IX sexual harassment.

Sincerely,

Title IX Coordinator

[NAME OF SCHOOL DISTRICT]

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**APPENDIX G: SAMPLE NOTICE OF DISCRETIONARY
DISMISSAL OF A FORMAL COMPLAINT OF TITLE IX
SEXUAL HARASSMENT**

IMPORTANT: This sample letter assumes that the complaint is being dismissed in its entirety for purposes of the District’s Title IX grievance process. If only some of the allegations are being dismissed (i.e., the complaint is being dismissed in part), substantial modifications to this letter would be needed to address such “dismissal in part.”

[DISTRICT LETTERHEAD]

[DATE]

[NAME]

[ADDRESS]

RE: Notice of Dismissal of Formal Complaint of Sexual Harassment

Dear *[NAME]*:

The District has reviewed the allegations in a formal complaint of sexual harassment that was either filed by a complainant or signed by the Title IX Coordinator.

Upon review, I have concluded that the formal complaint should be dismissed. It is being dismissed because *[Choose one: (1) the complainant has notified the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint; (2) the respondent is no longer enrolled in or employed by the District; or (3) specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint].*

[Further explain the reason(s) for dismissal.]

This notice of dismissal is being sent simultaneously to the relevant parties. Dismissal for purposes of Title IX does not preclude the District from taking further action related to the alleged conduct if doing so is determined to be appropriate under any of the District’s nondiscrimination policies or other District policies or rules.

This dismissal decision may be appealed to the extent provided in the District’s grievance process for formal complaints of Title IX sexual harassment.

Sincerely,

Title IX Coordinator

[NAME OF SCHOOL DISTRICT]