(3) Consider the complainant's wishes concerning supportive measures;

(4) Explain to the complainant the process for filing a formal complaint under Title IX; and

(5) Provide each complainant with a copy of the District's Title IX formal complaint process.

The Title IX Coordinator will document whether a complainant elects to accept or decline the supportive measure or measures offered (See EXHIBIT E).

that a determination regarding responsibility will be made at the conclusion of the formal complaint process;

Notification that each party may choose an advisor of choice who may be, but is not required to be, an attorney;

The right of each party to inspect and review evidence under section 34 C.F.R. § 106.45(b)(5)(vi);

The standard of evidence that will be used [see FFH(LOCAL)];

Notification about the District's Title IX formal complaint process, including procedures for informal resolution and appealing the final determination; and

Any provision of a District code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the formal complaint process.

The Title IX Coordinator may attach a copy of Policy DIA to the Notice of Formal Complaint.

Upon dismissal of a formal complaint or an allegation therein, the Coordinator will promptly provide written notification to both parties. (See EXHIBIT I) Dismissal of an allegation or allegations does not preclude action under another provision of Board Policy, the Employee Handbook and Code of Ethics.

A formal complaint or allegation must be dismissed as required by law when the allegation(s), if proved:

Would not meet the definition of sexual harassment under 34 C.F.R. § 106.30

If the complainant no longer has any involvement with the District.

In accordance with law and local policy, the complainant may appeal the written dismissal of a formal complaint or any allegations therein on the following bases:

Procedural irregularity that affected the outcome of the matter;

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

Prior to completion of the investigative report, the investigator will send to each party and the party's advisor, if any, the evidence subject to review and inspection in an electronic format or hard copy. (See EXHIBIT P) As required by law, each party must be allowed 10 days from the date of receipt of the evidence to inspect and review the evidence, and to submit a written response that the investigator will consider when completing the final investigative report.

The investigative report will fairly summarize all relevant evidence and may include the following content:

Identification of the allegations potentially constituting sexual harassment;

Any procedural steps taken by Title IX personnel from the receipt of the formal complaint through the conclusion of the investigation, including any notifications to the parties, interviews, site visits, and methods used to gather evidence;

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In accordance with law, the determination of responsibility may not be issued earlier than 10 days from the date the parties received the final investigation report from the investigator.

After both parties have received the investigative report and prior to a determination regarding responsibility, the decision-maker will notify each party of the opportunity to submit written, relevant questions that a party wants asked of any party or witness noted in the investigation report. The decision-maker shall ensure that questioning is relevant, respectful, and non-abusive. In order to maintain a reasonably prompt timeline, the decision-maker may give addressed parties or witnesses a reasonable and equitable deadline to provide answers in response. In consultation with the

The Title IX Coordinator will review the request and assign an appropriate appellate decision-maker

The written decision of the appellate decision-maker will describe

other party that the informal resolution process has been terminated and resume the formal complaint process.

Prior to facilitating or designating another person to facilitate the informal resolution process, the Title IX Coordinator will provide both parties written notice that contains at least the following information:

1. Provide to the parties a written notice disclosing:

    the allegations;

    the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; provided, how-

The District may choose any training program so long as training materials do not rely on sex stereotypes and promote impartial investigations and adjudication of complaints.

Non-District employees who are designated to fulfill Title IX obligations may be responsible for costs of securing required training unless otherwise provided by the District.

Records Retention

Records related to the District's entire response and process related to an allegation of sexual harassment must be maintained in accordance with the District's records control schedules or a minimum of seven years, whichever is longer. The District will direct all assigned Title IX personnel to comply with this recordkeeping requirement. [See FFH(LEGAL)]

Confidentiality

The District must keep information confidential as required by law except as necessary to provide supportive measures, to conduct proceedings under the formal complaint process, when disclosure is required by law, or when permitted by the District in compliance with the Family Educational Rights and Privacy Act (FERPA) and state law, or to otherwise carry out the purposes of 34 C.F.R. Part 106. However, the District may not restrict the ability of the parties to discuss the allegations under investigation or to gather and present relevant evidence.

A complainant's identity, if known, must be disclosed to the respondent once a formal complaint is filed by a complainant or signed by the Title IX Coordinator.

Required Reporting

At any point during a District's investigation that evidence is uncovered that requires reporting to law enforcement, Child Protective Services, State Board of Educator Certification, or another entity, District employees must take the necessary actions to do so in compliance with law or board policy.