



# **CEDAR FALLS COMMUNITY SCHOOL DISTRICT**

## **SEXUAL HARASSMENT PROCEDURES MANUAL**

**Final Document: December 2020**

Electronic copy can be found at:  
[www.cfschools.org/about-us/TitleIX](http://www.cfschools.org/about-us/TitleIX)

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## I. THE POLICY

In accordance with Title IX of the Education Amendments Act of 1972, the Cedar Falls Community School District prohibits sex discrimination, including sexual harassment, against any individual participating in any education program or activity of the District. This prohibition on discrimination applies to students, employees, and applicants for employment. The Board authorizes the Superintendent to adopt procedures for any individual to report sex discrimination or sexual harassment, and for the investigation and resolution of such complaints.

Any individual with questions about the District's Title IX policy and procedures, or who would like to make a report or file a formal complaint of sex discrimination or sexual harassment may contact the District's designated Title Coordinators:

### Equity Coordinator: Students

Ms. Tara Estep, Executive Director of Enrichment and Special Programs  
Cedar Falls Community School District  
1002 West First Street  
Cedar Falls, IA 50613

Phone: 319-553-3000  
Email: tara.estep@cfschools.org

### Equity Coordinator: Staff

Dr. Adrian Talbot, Executive Director of Human Resources  
Cedar Falls Community School District  
1002 West First Street  
Cedar Falls, IA 50613

Phone: 319-553-3000  
Email: Adrian.talbot@cfschools.org

The District will utilize this Policy and Procedure to respond to all claims of sex discrimination or sexual harassment as defined in Section II of this policy. If the District determines that a report or complaint does not allege conduct within the scope of Title IX, it may still proceed to investigate or respond to that report or complaint under any other applicable District policy or procedure.

## II. DEFINITIONS

- A. **Sexual harassment** means unwelcome behavior or conduct (physical, verbal, written, electronic) that is directed at someone because of that person's sex or gender, and that meets any of the following definitions:

1. **“Quid Pro Quo” Harassment.** A District employee explicitly or implicitly conditions the provision of an aid, benefit, or service of the District on an individual’s participation in unwelcome sexual conduct; **OR**
2. **Hostile Educational/Work 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 the District’s education program or activity; **OR**
3. **Sexual assault.** An offense that meets the definition any one of the following offenses:
  - Rape: the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person without consent of the victim;
  - Fondling: the touching of the private body parts of another person for the purpose of sexual gratification without consent of the victim;
  - Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or
  - Statutory rape: sexual intercourse with a person who is under the statutory age of consent; **OR**
4. **Stalking:**
  - Purposefully engaging in a course of conduct directed at a specific person ("target") that would cause a reasonable person to fear bodily injury to, or the death of, the target or a member of the target’s immediate family;
  - when the person ("stalker") knows or should know that the target will be placed in reasonable fear of bodily injury to, or the death of, the target or a member of the target’s immediate family by the course of conduct; and
  - the stalker’s course of conduct induces fear in the target of bodily injury to, or the death of, the target or a member of the target’s immediate family; **OR**
5. **Dating Violence:** violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of:
  - The length of the relationship.
  - The type of relationship.
  - The frequency of interaction between the persons involved in the relationship; **OR**
6. **Domestic Violence:** any felony or misdemeanor crime of violence committed:
  - By a current or former spouse or intimate partner of the victim;

- By a person with whom the victim shares a child in common;
- By a person who is cohabiting with, or has cohabited with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Iowa; or
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Iowa.

**B. Consent** means knowing and voluntary agreement to engage in conduct or an activity with another individual. Silence or an absence of resistance does not imply consent. Past consent to engage in conduct or an activity does not imply future consent; consent can be revoked at any time. An individual who is incapacitated (e.g., when a person is asleep, unconsciousness, under the influence of drugs or alcohol, or disability) cannot give consent. Coercion, force, or the threat of either invalidates consent. Under no circumstances can a student give consent to engage in any sexual conduct or activity with an employee of the District.

**C. Complainant** means any person who alleges that they have been subjected to sexual harassment as defined by this Policy. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the District's education program or activity.

**D. Respondent** means any person who has been reported to be the perpetrator of conduct that could constitute sexual harassment under this Policy, and over whom the District is able to exercise substantial control.

### III. POLICY SCOPE

This Policy applies to all persons participating in the District's education program or activity, including students and employees and applicants for employment. Under Title IX, the District has jurisdiction over locations, events or circumstances over which it substantially controls the Respondent and the context in which the harassment occurs. The District's jurisdiction is limited to conduct against a person that occurs in the United States.

Any person may make a report of sexual harassment to the District's Title IX Coordinator.

### IV. CONFIDENTIALITY

The District is committed to creating an environment that encourages individuals to come forward if they have experienced or witnessed sexual harassment. However, the District cannot promise absolute confidentiality to any party. District employees cannot promise confidentiality to any student who reports possible sexual harassment to them.

The District will keep confidential the identity of any individual who has made a report or complaint of sex discrimination or sexual harassment, or has been identified as the perpetrator or respondent to any such report or complaint, or is a witness to any complaint or investigation, **except** as required to carry out the purposes of this Policy (including the conduct of any complaint resolution process), applicable law, or as permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g.

## **V. REPORTING SEXUAL MISCONDUCT, INCLUDING SEXUAL ASSAULT AND SEXUAL HARASSMENT**

### **A. Employee Reporting Obligations**

Any District employee who witnesses or becomes aware of sexual harassment have an affirmative obligation to report immediately to the District's Title IX Coordinator or to their building principal or immediate supervisor. Failure to do so may result in disciplinary action against the employee, up to and including termination of employment.

### **B. Reporting to Law Enforcement**

Because sexual misconduct may constitute both a violation of District policy and criminal activity, individuals who have been subject to criminal sexual misconduct may wish to report their concerns to law enforcement. An individual may proceed under this Policy whether or not they elect to report to law enforcement.

### **C. Reporting to the District**

Any individual who wishes to make a report or file a formal complaint of sexual harassment may contact the District's Title IX Coordinator. Any individual who is subject to, witnesses, or becomes aware of alleged sexual harassment may also submit an anonymous report at <https://report.anonymousalerts.com/cedarfallscsd/>

#### Equity Coordinator: Students

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Phone: 319-553-3000

Email: Adrian.talbot@cfschools.org

Allegations that an employee of the District has engaged in sexual harassment toward a student must be immediately reported or referred to the District's designated Level 1 Investigator, and must be handled in accordance with 281 Iowa Administrative Code Chapter 102 (Procedures for Charging and Investigating Incidents of Abuse of Students by School Employees) and Board policy 504.5.1 Physical and Sexual Abuse of Students by Employees; the designated Level 1 Investigators are the Associate Superintendent for Instruction and Learning and the Executive Director of Human Resources. The Level 1 Investigator shall be responsible for complying with the requirements of Chapter 102, including with respect to reporting the alleged conduct to law enforcement or other appropriate state agencies. The Level 1 Investigator shall work with the District's Title IX Coordinator to determine how to preserve or restore the student's access to the District's education program and activities.

#### **D. Retaliation Prohibited**

Retaliation against a person who makes a report or complaint of sexual harassment, or who assists, or participates in any manner in an investigation or resolution of a sexual harassment report or complaint 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.

This Policy's anti-retaliation protections do not apply to any individual who makes a materially false statement in bad faith in the course of any complaint, investigation, hearing, or other proceeding under this Policy. However, a determination that an individual made a materially false statement in bad faith must be supported by some evidence other than the determination of whether the Respondent violated this Policy alone. An individual who makes a materially false statement in bad faith may be subject to discipline up to and including suspension or expulsion of a student or termination of an employee's employment.



## **E. Time Frames for Reporting and Response**

The District strongly encourages prompt reporting of complaints and information. While there is no time limit in invoking this Policy in responding to complaints of alleged sexual harassment, a complaint should be submitted as soon as possible after the event takes place in order to maximize the District's ability to respond promptly and equitably.

The District may not be able to fully investigate a formal complaint against an individual who is no longer affiliated with the District. Under those circumstances, the District will still consider whether it can offer supportive measures to the Complainant or proceed under another applicable law, policy, procedure, handbook provision, or rule.

In all cases, the District will conduct a prompt and equitable investigation of allegations of sexual misconduct. Generally the District will attempt to complete the investigation and make a determination regarding responsibility within forty-five (45) calendar days of receipt of a formal complaint. However, the District may alter or extend this time with notice to both parties. The time it takes to complete the resolution of a sexual harassment complaint may vary based on the complexity of the investigation and the severity and extent of the alleged conduct, as well as on whether there is a parallel criminal investigation, or if school breaks occur during the process.

## **VI. PROCESS FOR RESPONDING TO REPORTS OF SEXUAL HARASSMENT**

### **A. Initial Meeting with the Complainant**

Upon receipt of any report of sexual harassment occurring in the District's educational program or activity, the Title IX Coordinator or designee will schedule a meeting with the Complainant in order to provide the Complainant a general understanding of this Policy and to identify forms of supportive measures available to the Complainant with or without the filing of a formal complaint, and to explain the process for filing a formal complaint. The intake meeting may also involve a discussion of any specific supportive measures that may be appropriate.

At the initial intake meeting with the Complainant, the Title IX Coordinator or designee will seek to determine how the Complainant wishes to proceed. The Complainant may opt for: (1) informal resolution; (2) formal resolution; or (3) not proceeding. Supportive measures may still be offered whether or not the Complainant chooses any of these options.

If the Complainant wishes to proceed with either informal or formal resolution, a written document must be filed by the Complainant or signed by the Title IX coordinator alleging harassment against a respondent (the "formal complaint"). Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not the complainant or otherwise a party to a complaint proceeding under this Policy.

## **B. Informal Resolution**

Upon filing of a formal complaint, a Complainant who does not wish to pursue formal resolution may request a less formal proceeding, known as “Informal Resolution.” Informal resolution is available to the parties any time prior to a determination of responsibility being issued.

Informal resolution is a voluntary process that requires the written consent of the Complainant and Respondent. The District will not require the parties to participate in the Informal Resolution process as a condition of enrollment, employment, or of any other right conferred by the District. The Title IX Coordinator will assess the severity of the alleged harassment and the potential risk for others in the District community to determine whether informal resolution may be appropriate. Informal Resolution will **never** be used to resolve allegations involving an employee sexually harassing a student.

The Title IX Coordinator will provide the parties with a written notice setting forth the allegations, the requirements of the informal resolution process set forth in this Policy, the right of any party to withdraw from the informal process and proceed with the formal grievance process at any time prior to agreeing to a resolution; and any consequences resulting from the participation in the informal process, including the records that will be maintained or could be shared by the District.

Upon receipt of written consent from the parties to participate in informal resolution, the Title IX Coordinator will consult separately with the Complainant and Respondent and gather additional relevant information as necessary. The Title IX Coordinator may also put in place any appropriate supportive measures to protect the educational and work environment of the parties.

The Title IX Coordinator will work with parties to determine a mutually acceptable resolution to the complaint. This resolution will be reduced to writing and signed by the Complainant and the Respondent. Once signed, the written resolution becomes final and neither party can initiate the formal grievance process for the allegations in the formal complaint. The written resolution is not subject to appeal.

Either party may, at any time prior to signing an informal resolution agreement, elect to end the informal resolution process and initiate formal resolution instead.

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.

## **C. Formal Resolution**

Upon submission of a formal complaint, Complainant may elect to pursue a formal resolution, which is described more specifically in this section.

## 1. Consolidation of Complaints

The District may consolidate formal complaints of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, where the allegations arise out of the same facts or circumstances.

## 2. Required Notices

**Notice of Investigation.** If a Complainant elects to pursue a formal complaint, the Title IX Coordinator or designee will provide a written Notice of Investigation simultaneously to both parties notifying the parties of:

- the identities of the parties involved in the incident;
- the conduct alleged;
- the date and location of the incident;
- Respondent's entitlement to a presumption of innocence;
- The parties' rights to have an advisor of their choice at the party's expense, who may be an attorney;
- The parties' rights to review and comment on investigative evidence; and
- The effect of making materially false statements in bad faith during this process.

If, during the course of investigation, the District determines that additional allegations will be investigated as part of the pending complaint, the Title IX Coordinator or designee will provide written notice of the additional allegations to any identified Complainant(s) or Respondent(s).

**Notice of Interviews, Hearings, or Other Meetings.** The Title IX Coordinator shall provide to Complainant and Respondent a written notice of the date, time, location, participants, and purpose of any interview, hearing, or meeting with sufficient time for the party to prepare.

## 3. Dismissal

The District shall dismiss any formal complaint made under this Policy if at any time it determines that it lacks jurisdiction under Title IX because the conduct alleged in the formal complaint:

- Would not constitute sexual harassment as defined in Section II of this policy, even if proved,
- Did not occur in the District's education program or activity; or
- Did not occur against a person in the United States.

The District, in its sole discretion, may dismiss any formal complaint under this Policy if at any time:

- The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations;
- The Respondent is no longer enrolled in 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. Examples include, but are not limited to, a significant passage of time from the date of the allegation(s) in the complaint to the date the complaint is filed that makes investigation impracticable, or where the Complainant has stopped participating in the process.

Dismissal of a complaint from proceeding under this Policy does not preclude the District from offering supportive measures to any party or from proceeding under any other applicable policy, procedure, rule, or handbook provision applicable to students and/or employees of the District.

Upon dismissal of any formal complaint under this section, written notice of this dismissal and the reason(s) therefor will be provided simultaneously to Complainant and Respondent.

#### **4. Investigation**

The Title IX Coordinator shall designate an Investigator to conduct an investigation into any formal complaint. The Investigator must be appropriately trained in conducting Title IX investigations, unbiased, and have no conflict of interest in the present case. The Investigator serves as a neutral fact-finder, and shall interview both parties, relevant witnesses, and gather and review evidence relevant to the outcome of the complaint.

The burden of proof and the burden of gathering sufficient evidence to reach a determination of responsibility rests with the District and not with the parties. Both parties will have an equal opportunity to present witnesses and other evidence (both inculpatory and exculpatory) to the Investigator. Neither party will be restricted in their ability to discuss the allegations or to gather and present relevant evidence; provided, however, that such communications shall not constitute harassment or retaliation against any party otherwise violate applicable law, rule, or regulation.

The Investigator will evaluate all relevant evidence, both inculpatory and exculpatory, and will not make credibility determinations based solely on a person's status as complainant, respondent or witness.

The Investigator will only access, consider, disclose, or otherwise use a party's treatment records made or maintained by a health care provider, or other records protected under a legally recognized privilege, with that party's voluntary, written consent.

Prior to completion of the Investigative Report, the Investigator will provide each party with copies of any evidence obtained by the Investigator that is directly related to the allegations in the complaint. Both parties will have ten (10) calendar days to submit a written response to the evidence to the Investigator. By accepting receipt of this information, the parties and their representatives, if any, agree that the use or dissemination of evidence for any purpose other than those directly related to the parties' participation in the Title IX grievance process is prohibited and may result in appropriate discipline in accordance with District policy.

## **5. Investigative Report**

After conducting the investigation, the Investigator will complete an investigative report that summarizes all relevant evidence, including statements and interviews with the parties and any witnesses, and any documents, records, photographs, recordings, or other evidence obtained by the investigator.

The investigative report will be distributed simultaneously to both of the parties at least ten (10) calendar days prior to a Determination of Responsibility being made.

## **6. Determination of Responsibility**

The Decision-Maker is responsible for determining whether the conduct alleged in the complaint constitutes a violation of this Policy and any other applicable District policies, procedures, handbook provisions, or rules. In cases where both the complainant and the respondent are students, the Decision-Maker shall be the Associate Superintendent for Instruction and Learning. In cases where the complainant is either a student or an employee and the respondent is an employee the Decision Maker shall be the Superintendent. The Decision-Maker shall not be the Title IX Coordinator or Investigator, and must be impartial and unbiased, have no conflict of interest in the particular case, and have training required by Title IX and this policy.

After receipt of the investigative report and prior to reaching a decision, each party shall be permitted submit to the Decision-Maker relevant questions to be asked of the other party and/or any witnesses, including those challenging the credibility of the party or witness. The Decision-Maker shall review the questions with the party or witness to whom the questions are directed, but shall not ask any questions that are irrelevant or improperly inquire about the Complainant's sexual predisposition or past sexual conduct (other than where the incidents occurred between the Complainant and Respondent and are asked for purposes of demonstrating consent, where applicable). The Decision-Maker will provide a written explanation to the party of why any question was excluded. The Decision-Maker shall provide the responses of the party or witness in writing to both parties. The parties shall be provided with an opportunity for limited additional follow-up questioning.

If any party or witness does not cooperate with responding to these questions, the Decision-Maker will not rely on any statement of that party or witness in reaching a determination of responsibility. The Decision-maker cannot draw an inference about responsibility based solely on a party's or witness's refusal to answer questions.

## **7. Standard of Proof and Determination**

The determination of whether or not a violation of this Policy occurred will be made on the preponderance of the evidence, or whether it is more likely than not that the Respondent violated this Policy.

## **8. Sanction**

Sanctions and remedies will be determined on a case-by-case basis by the Decision-Maker, where authorized to do so. Where applicable federal or state law, Board policy, contract, handbook provision, or other rule gives authority for issuing of a particular sanction to a different District decision-making body (e.g., school board, IEP team) the Decision-Maker will recommend sanctions to that decision-making body or official, or the Board for further action.

Sanctions may include, but are not limited to required training, a written warning, suspension or expulsion of a student, or suspension or termination of an employee's employment with the District. The Decision-Maker may impose or recommend any sanction that it finds to be fair and proportionate to the violation and in accordance with Board Policy.

Remedies may include, but are not limited to, offers of counseling, education, changes or modifications to class or work schedules or assignments, provision of additional supervision, and other actions as deemed appropriate under the circumstances present in the case. The Title IX Coordinator shall be responsible for implementing any proposed remedies.

## **9. Written Determination Regarding Responsibility**

The Decision-Maker will issue a written determination regarding responsibility, which shall be determined by a preponderance of the evidence. The written determination will include:

- Identification of the allegations;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including notifications to the parties, interviews, site visits, methods used to gather other evidence, and hearings held (if applicable);
- Findings of fact;

- Conclusions regarding the application of this Policy and any other relevant District policy, procedure, handbook provision, or rule to the facts;
- A statement of and rationale for the Decision-Maker(s) determination regarding responsibility for each allegation;
- A statement of and rationale for any disciplinary sanctions that will be imposed on Respondent, if applicable;
- A statement of and rationale for 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 statement of the District's appeal policy and procedures.

The Decision-Maker will provide the written determination to the parties simultaneously. The written determination shall be final, subject to the parties' right to appeal in Section 10, below.

## **10. Appeals**

In cases where the complainant is a student and the respondent is a student the Decision Maker shall be the Associate Superintendent for Instruction and Learning and Appeals shall be made to the Superintendent.

In cases where the complainant is either a student or an employee and the respondent is an employee the Decision Maker shall be the Superintendent and Appeals shall be made to an attorney with Ahlers Cooney, P.C., 100 Court Avenue, Des Moines IA 50309; specific contact information will be provided by the Superintendent or designee.

### **A. Student Complainant and Student Respondent**

Within five (5) calendar days of delivery of the written determination to them, either party may appeal the dismissal of a formal complaint, or the Decision-Maker's written determination and/or any sanction imposed by the Decision-Maker to the Superintendent. Such appeals will be in writing and will be delivered to the Superintendent. The Superintendent will determine if the written determination 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 determination was issued that could affect the outcome of the matter; or
- 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 Superintendent 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 determination. The parties'

written statements must be submitted within five (5) calendar days of notice of the appeal.

Except as required to explain the basis of new information, an appeal will be limited to a review of the written record of the investigation, the written determination, and the parties' written statements on appeal.

The Superintendent may affirm, reverse, or modify the written determination and/or sanctions imposed, or may remand to the Investigator or Decision-Maker for further action. A written appeal decision will be issued simultaneously to the parties describing the result of the appeal and the rationale therefor. The written appeal decision of the Superintendent is the final decision of the District, and no further appeals are permitted under this Policy.

### **B. Either Student or Employee is the Complainant and Employee is the Respondent**

Within five (5) calendar days of delivery of the written determination to them, either party may appeal the dismissal of a formal complaint, or the Decision-Maker's written determination and/or any sanction imposed by the Decision-Maker to Ahlers Cooney, P.C. Such appeals will be in writing and will be delivered to Ahlers Cooney, P.C. Ahlers Cooney Attorneys, P.C. will determine if the written determination 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 determination was issued that could affect the outcome of the matter; or
- 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 Ahlers Cooney, P.C. 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 determination. The parties' written statements must be submitted within five (5) calendar days of notice of the appeal.

Except as required to explain the basis of new information, an appeal will be limited to a review of the written record of the investigation, the written determination, and the parties' written statements on appeal.

The Ahlers Cooney, P.C. may affirm, reverse, or modify the written determination and/or sanctions imposed, or may remand to the Investigator or Decision-Maker for further action. A written appeal decision will be issued simultaneously to the parties describing the result of the appeal and the rationale therefor. The written appeal decision of the



Ahlers Cooney, P.C. is the final decision of the District, and no further appeals are permitted under this Policy.

#### **D. Complainant Does Not Wish to Pursue Resolution or Requests Confidentiality**

If the Complainant does not wish to pursue formal or informal resolution and/or requests that his or her report remain confidential, the Title IX Coordinator or designee will inform the Complainant that the District's ability to respond to the alleged sexual harassment may be limited. The Title IX Coordinator or designee may weigh the Complainant's request against the following factors:

- The seriousness of the alleged sexual misconduct,
- Whether there have been other complainants of sexual misconduct against the same Respondent, and
- The Respondent's right to receive information about the allegations, including the name of the complainant.

The Title IX Coordinator will only initiate a formal complaint under these procedures against the wishes of the Complainant where required by federal or state law, regulation, or rule, or where doing so is not clearly unreasonable based on known circumstances, based on the potential impact to the District community if the allegations were true.

The Title IX Coordinator or designee will inform the Complainant if the District cannot ensure confidentiality. Even if the District cannot take disciplinary action against the Respondent because the Complainant insists on confidentiality or that the complaint not be resolved, the District reserves the authority to implement supportive measures or other appropriate actions to promote a safe learning environment for the complainant and/or the entire District community.

#### **E. Advisors**

Complainants and Respondents have equivalent rights to be accompanied at any stage of the process by an advisor of their choice, who may be a parent or guardian, union representative (where applicable), other support person, or an attorney at the party's sole expense. Advisors may not answer questions on behalf of any party or otherwise participate in any interview or meeting, other than to confer with the party they are supporting/representing.

#### **F. Supportive Measures**

The District may implement supportive measures to preserve or restore the Complainant's access to the District's education program or activity. Supportive

measures will be individualized, provided at no cost to the parties, and are non-disciplinary in nature.

Supportive measures may include, but are not limited to:

- Counseling,
- Extension of deadlines or other course-related adjustments,
- Modifications of work or class schedules,
- Mutual restrictions on contact between the parties,
- Leaves of absence,
- Increased security and monitoring,
- Increased supervision and/or escort services, and/or
- Other similar measures.

The District may temporarily remove a student accused of violation this policy on an emergency basis, following an individualized safety and risk analysis that finds an immediate threat to the physical safety of any individual. Any student so removed will be provided with notice and an opportunity to challenge this action immediately following the removal, and any other rights conferred by law. Emergency removals must be consistent with other applicable laws. The District, in its sole discretion, may place an employee accused of violating this policy on administrative leave pending the outcome of the informal or formal complaint process.

## **VII. RESOURCES AND SERVICES FOR STUDENTS AND EMPLOYEES**

There resources available to individuals regardless of whether or not they choose to report a violation of this Policy to the District or local law enforcement. Any person may obtain information about services and supports offered to students and employees by contacting the District's Title IX Coordinator.

### **A. Community Resources**

There are resources in the community where an individual may seek support outside of the District. Use of any of these services is solely at the discretion of the individual. The District does not make any representations regarding the effectiveness or appropriateness of any of these resources, and does not assume responsibility, financial or otherwise, for these resources.

1. Community-based counseling or mental health services:

**BlackHawk Grundy Mental Health Center**

3251 West 9th Street, Waterloo, IA 50702

Phone: 319- 234-2893 or 800- 583-1526

Website: <https://www.unitypoint.org/waterloo/mental-health.aspx>

2. Free or low cost medical clinics:

**People's Clinic**

905 Franklin Street, Waterloo, IA 50703

Phone: 319-874-3000

Website: <https://www.peoples-clinic.com>

3. Local rape victim advocacy program (RVAP):

**Riverview Center**

2055 Kimball Avenue, Suite #355. Waterloo, IA 50702

Phone: 319-939-9599

Website: <https://riverviewcenter.org>

4. Suicide prevention hotline for Black Hawk County and or a State or National Number:

**Iowa Crisis Chat**

Phone/Text: 1-855-325-4296

Website: <https://www.iowacrisischat.org>

**National Suicide Prevention Hotline**

Phone: 800-273-8255

5. "2.1.1. Get Connected. Get Help"

Phone: Dial 2-1-1

Text Zipcode to 898211

Website: <https://www.211iowa.org/>

6. Adolescent pregnancy prevention and teen parent support network

**Together for Youth**

229 East Park Avenue, Waterloo, IA 50703

Phone: 319-433-6331

Website: <https://www.togetherforyouth.net/>

## **B. External Reporting Resources**

A Complainant may choose to file a complaint with the state and federal agencies listed below.

### **Office for Civil Rights (OCR) – Chicago Office**

U.S. Department of Education

Citigroup Center

500 West Madison Street, Suite 1475

Chicago, IL 60661

Phone: 312-730-1560

Fax: 312-730-1576

TDD: 877-521-2172

Email: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)

Website: [www.ed.gov/ocr](http://www.ed.gov/ocr)

### **Equal Employment Opportunity Commission (EEOC)**

Reuss Federal Plaza

310 West Wisconsin Avenue, Suite 800

Milwaukee, WI 53203-2292

Phone: 800-669-4000

Fax: 414-297-4133

TTY: 800-669-6820

Website: [www.eoc.gov](http://www.eoc.gov)

### **Iowa Civil Rights Commission (ICRC)**

Grimes State Office Building

400 East 14<sup>th</sup> Street

Des Moines, IA 50319

Phone: 515-281-4121

Fax: 515-242-5840

TDD: 877-521-2172

Website: <https://icrc.iowa.gov/>

## **VIII. PREVENTION, TRAINING, AND POLICY COMMUNICATION**

The District is committed to education, communication, and training of students and employees in order to prevent sexual harassment and to assure an appropriate response when incidents occur. The District will provide information to students and employees staff on:

- The definitions of sexual harassment;
- District procedures for responding to incidents of sexual harassment; and

- Employee obligation to report any sexual harassment of which the employee becomes aware.

The District will also ensure that individuals who serve as Title IX Coordinators, Title IX Investigators, Decision-Makers, Appeal Decision-Makers, and facilitators of the informal resolution process have adequate training as required by Title IX.

## **IX. RECORDKEEPING**

The District will maintain the following records for seven years:

- Each sexual harassment investigation, including determinations, audio or video recordings, disciplinary sanctions, and any remedies provided to the Complainant;
- Any appeal and the result therefrom;
- Any informal resolution; and
- Materials used by the District to train Title IX Coordinators, investigators, decision-makers, and those who facilitate informal resolution under this Policy.

Additionally, the District will create and maintain for seven years:

- Any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment;
- Documentation of the basis for the District's conclusion that its response to any such report or complaint was not deliberately indifferent;
- Documentation that the District has taken measures designed to restore or preserve access to the District's educational program or activity;
- Where no supportive measures are provided to Complainant, documentation of why it was not clearly unreasonable to do so.

**X. APPENDIX – CEDAR FALLS COMMUNITY SCHOOL DISTRICT TITLE IX FORMS**

**APPENDIX A - Formal Complaint of Title IX 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: \_\_\_\_\_

## APPENDIX B - 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: \_\_\_\_\_

## **APPENDIX C - 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 [NAME] 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,

---

Name of Title IX Coordinator

Cedar Falls Community School District

[CONTACT INFORMATION FOR TIX COORDINATOR]

## **APPENDIX D - 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 [NAME] 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,

---

Name of Title IX Coordinator

Cedar Falls Community School District

[CONTACT INFORMATION FOR TIX COORDINATOR]

## **APPENDIX E - 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]

## APPENDIX F – Party Rights & Responsibilities re: Communication

You are a part to a complaint involving sexual harassment, governed by Title IX of the Education Amendments Act of 1972 and District Policy no\_\_\_\_. A complete copy of the District’s Title IX Procedures is available at: [insert link and physical location of office where printed copy can be provided].

You are hereby directed to have no contact with the other party to this complaint in person, by phone, e-mail, text message, other electronic means, or through friends or acquaintances. Any effort to contact this student in any manner will result in disciplinary action. These instructions shall remain in effect until rescinded by the District.

As a party, you will have the right to receive evidence and information provided to the Investigator and Decision-Maker by the other party and by witnesses involved in the investigation. The District will not restrict your ability communicate with others about this complaint to gather and produce relevant evidence to this complaint, as long as this communication does not constitute harassment, retaliation, or otherwise unlawful behavior or communication.

Information and evidence provided to you by the Investigation or Decision-Maker in this process may only be used for purposes relating to this Title IX complaint process. Any other use or disclosure of this information or evidence is prohibited. All information and evidence must be kept in a secure and confidential matter to prevent unauthorized disclosure. The term “information and evidence” includes, but is not limited to: written statements or summaries of interviews of any party or witness, photographs, video or audio recordings, written documents or reports, records of electronic communication, social media posts and messages, and any other tangible or electronic data or record.

Your right to communicate about this complaint must not constitute harassment of or retaliation against the other party or any witness or other individual who is participating in this process in any way.

Any individual who engages in harassment of or retaliation against another party, witness, or individual participating in this process will be subject to discipline, up to and including suspension or expulsion of a student or termination of employment with the District.

If you have any questions about the directives in this agreement, please contact the District’s Title IX Coordinator, [insert name, address, telephone, and email address].

---

Party’s signature

Party’s name

Date

---

Parent/Advocate’s signature

Parent/Advocate’s name

Date

## APPENDIX G - Witness Disclosure Form

### Introductory Overview

A complaint has been made and an investigation is being conducted pursuant to District policy and practice. You have been identified as a potential witness. The purpose of the interview today is for designated investigator to ask you questions and gather information. This document provides you with a summary of the District's expectations for you in this process.

### Duty to Cooperate and be Honest

The District fully expects all students and employees to be cooperative, honest, and forthright to help the District reach a fair and reasonable outcome. Failure to honestly cooperate in an investigation may result in disciplinary action.

### Confidentiality

Confidentiality is an important part of the complaint process. Any individual participating in the complaint process as a witness is expected to respect the confidentiality of the process. The District expects you to keep confidential everything discussed during your interview.

If, after your interview, you recall or learn of more information that you think may be helpful to the investigation, contact \_\_\_\_\_.

The District cannot promise you confidentiality, but we will only disclose information on a need to know basis consistent with federal and state law and District policy and procedures.

### No Retaliation

Retaliation against persons filing conduct complaints and/or witnesses participating in the investigation of conduct complaints is strictly prohibited by District policy and federal and state law. Retaliation occurs when an individual who participated in the District's process is subjected to any conduct or action because of their participation that would make a reasonable person unwilling to participate in the District's process in the future. Please immediately inform \_\_\_\_\_ if you feel retaliation has occurred.

I acknowledge that I have received and read the above disclosures and that I understand the District's expectations of me:

---

Witness Signature

Witness Name

Date

## APPENDIX H - 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:**

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



## APPENDIX I - 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

## APPENDIX J – 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

## **APPENDIX K - 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]

## APPENDIX L - 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]

## APPENDIX M - 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

## APPENDIX N - 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]

## **APPENDIX O - 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