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## **TITLE IX INVESTIGATION**

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# Training Objectives

By the end of this presentation, Nassau County School District employees will be able to:

- Outline the steps to the Title IX investigation.
- Understand the role and responsibilities of the Title IX Investigator.
- Recognize the parties' rights throughout the investigative process.
- Understand the time frames associated with each step of the investigative process.
- Identify Title IX forms to be used before, during, and after the investigation.

*PLEASE NOTE: This training is intended to provide guidance on the Title IX regulations for Nassau County School District; however, it is not intended to serve as legal advice. Should you have any questions regarding this training, please contact the Office of the Assistant Superintendent, (904) – 491-9905.*

# What is Title IX?

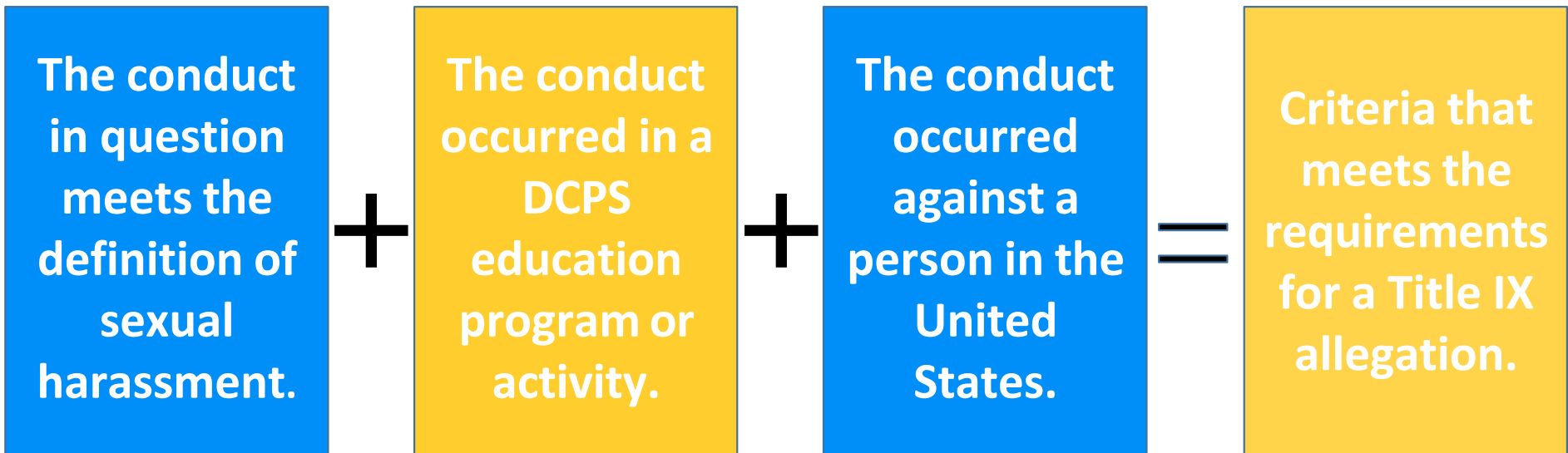
Title IX is a civil rights law that was passed by Congress in 1972 and required equality for both genders in education. It prohibits sex-based discrimination in educational institutions receiving federal funds. Title IX of the Education Amendments Act of 1972 reads as follows:

***“No person in the United States shall, based on sex, be excluded from participating in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.”***

Title IX also includes sexual and gender-based harassment and sexual violence.

# Requirements for a Title IX Allegation

Title IX applies to allegations that meet the following criteria:



*PLEASE NOTE: If the requirements are met, then schools must follow the Title IX grievance process. If any one of these elements is missing, then Title IX does not apply.*

# The Title IX Process

Anyone may report sexual harassment; and doing so **requires** the school to offer supportive measures to the Complainant and Respondent. Reporting sexual harassment does **not** trigger the formal complaint process; however, filing a Formal Written Complaint does. Filing a Formal Written Complaint requires the school to follow a grievance process to determine whether the Respondent is responsible for the alleged sexual harassment. The school **must** investigate at this point. Below are the steps regarding the Title IX Process:

Step	Actions
1	Report sexual harassment.
2	Conduct the initial meeting and offer supportive measures.
3	File a Formal Written Complaint.
4	Start the grievance process.
5	Determine if Title IX applies. <ul style="list-style-type: none"><li>• If Title IX does apply, provide written notice of allegations and begin the investigation.</li><li>• If Title IX does not apply, determine if a dismissal is warranted.</li></ul>
6	Conduct the investigation.
7	Render a decision based upon the investigation.
8	Allow the Complainant or Respondent to appeal (if necessary).

# Step 6: Conduct the Investigation

- The sixth step in the Title IX process is the investigation. If it is determined that Title IX applies, Step 6 shall entail the matter being assigned to an Investigator who will conduct the investigation into the allegations.
- As a part of the investigative process, the Complainant (victim), Respondent (accused), and witnesses will be interviewed separately.
- The parties and witnesses will receive notice **within two (2) business days** of any investigative interviews and/or meetings.
- As a reminder, the Respondent (or his/her representative) must be provided with a **24-Hour Meeting Notification Letter (See Appendix A – 24-Hour Meeting Notification Letter)**.
- If the school decides to investigate allegations about either party that were **not** included in the original notice, the school must provide written notice of the additional allegations to the known parties **within two (2) business days**.



# Evidence

- The Complainant and Respondent must provide the Investigator with evidence and information related to the allegation.
- Both parties (and their advisors, if applicable) will receive copies of **all** evidence from the Investigator; and the parties will have **ten (10) business days** to submit a written response, which the Investigator will consider prior to completion of the Investigative Report. The Investigator shall draft an Investigative Report that summarizes relevant evidence.
- Evidence shall be sent to the parties in electronic format or a hard copy drive with a **Notice of Title IX Investigation Evidence** form attached. *(See Appendix B – Notice of Title IX Investigation Evidence)*

# Investigative Report

The Investigator shall send the report to each party and the party's advisor, if any, within **ten (10) business days** for their review and written response. Upon receiving the Investigative Report, the Complainant and Respondent may submit written, relevant questions to the Decision-Maker that they want asked of any party or witness, as outlined below:

Action	Time Frame
Submit up to ten (10) questions	Within two (2) business days
Submit answers to questions	Within two (2) business days
Submit no more than five (5) follow-up questions	Within two (2) business days
Submit answers to follow-up questions	Within two (2) business days

Before a Complainant, Respondent, or witness answers a question, **the Decision-Maker must first determine whether the question is relevant** and explain any decision to exclude a question as not relevant. After reviewing the answers submitted by the parties, the Investigator will amend the Investigative Report, as necessary. Upon completion of the Investigative Report, the Investigator will submit the report and **all** evidence (whether deemed relevant or not) to the Decision-Maker.



# Written Determination



- Upon review of the final Investigative Report and evidence, the Decision-Maker will issue a **written determination** to the Complainant and Respondent.
- The written determination will be provided to the parties simultaneously within **three (3) business days** of the rendering.
- The written determination will include findings of fact, conclusions as to whether the alleged conduct occurred, rationale for results, any discipline (for the Respondent) and remedies (for the Complainant), and the permissible bases for the Complainant and Respondent to appeal.
- The final written determination and **all** documents will be maintained for **seven (7) years**.

# Appeal of Determination

- Either party may appeal the decision to the Appellate Decision-Maker within **five (5) business days**.
- The appealing party must detail his or her reasons for requesting an appeal. *(See Appendix C - Request for Appeal for Title IX Written Determination)*
- The **three (3) bases for appeal** are as follows:
  - **Procedural issues** affected the outcome;
  - **New evidence** that was not reasonably available at the time the written determination or dismissal was made becomes available that could affect the outcome; or
  - There was **a conflict of interest or bias** by the school-based and/or District Title IX Coordinator, Investigator, or Decision-Maker, against any Complainant or Respondent that affected the outcome.

# Appeal of Determination cont.

- Schools must notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.
- Both parties have **three (3) business days** to submit a written statement in support of, or challenging, the outcome of the written determination.
- A final written determination regarding the appeal will be provided by the Appellate Decision-Maker within **five (5) business days**.
- Appeal decisions are **final**.

*PLEASE NOTE: No disciplinary measures may be imposed against a Respondent prior to the conclusion of the grievance process (through the appeal).*

# Summary

- If Title IX applies, the matter will be assigned to the Investigator who will conduct the investigation.
- The Investigator will separately interview the Complainant, Respondent, and known witnesses to gather evidence and information related to the allegation.
- All evidence must be presented to the parties for their review and written response.
- The Investigator will consider the parties' responses when drafting the Investigative Report and provide a copy of the report to the parties.
- The parties will then have an opportunity to submit and answer each other's relevant questions.
- The Investigator will amend the Investigative Report as needed and submit the report (and all evidence) to the Decision-Maker who will issue a written determination.
- Either party may appeal; and if applicable, the Decision-Maker will issue a final written determination regarding the appeal of the determination.

*This concludes the Title IX Investigation webinar. Should you have any questions regarding this webinar, please contact the Office of the Assistant Superintendent at (904) – 491-9905. .*

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