



Title IX Regulations (For Students)

District's Process & Procedures Manual

Student Support Services



"Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) is a federal law that prohibits discrimination based on the sex of students or employees in educational institutions that receive federal financial assistance. The McAllen Independent School District prohibits discrimination, including harassment, against any student/employee on the basis of race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of District Policy and is prohibited".

The McAllen ISD believes that every student and employee should have a safe and nurturing environment where every student can learn and every employee can perform their duties. With this in mind, the District will pursue any allegation of sexual harassment or discrimination to the fullest extent of the law and District policies. Our protocols and procedures have been established to maintain compliance with Title IX statutes to include adding extra layers; such, as having Title IX Designees at campuses and departments to hear any potential allegation of sexual harassment or discrimination.

Every employee within the District has been trained on reporting procedures on Title IX and to whom they should report any allegation. Students have been made aware through class lessons of their right to be free of sexual harassment and discrimination and to whom they should report allegations to. In addition, the District encourages anyone to report an allegation of sexual harassment or discrimination by utilizing our on-line reporting system, Campus Eye, <https://mycampuseye.com/web/7B82>, which is available 24 hours a day. If you wish to review our procedures and protocols, you may do so at www.mcallenisd.org. If you have any questions or wish to report any allegation of sexual harassment or discrimination, you may report it directly to:

John L. Wilde
Director for Student Support Services
Title IX Coordinator
2200 Tamarack Ave. Portable #69
John.wilde@mcallenisd.net
(956) 618-6031

Sincerely,

A handwritten signature in blue ink, appearing to read "J. A. Gonzalez".

J. A. Gonzalez, Ed. D.
Superintendent of Schools

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Statement of Non - Discrimination

The McAllen Independent School District prohibits discrimination, including harassment, against any employee/student on the basis of race, color, religion, gender, national origin, age, disability, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of District Policy and is prohibited.

The following person has been designated to handle inquiries regarding this subject:

John L. Wilde, Director for Student Support Services
Title IX Coordinator (Students and Employees)
2200 Tamarack Ave. Portale 69, McAllen Texas 78501
(956) 618-6031
john.wilde@mcallenisd.net



SEE SOMETHING?



HEAR SOMETHING?



SAY SOMETHING!

Reporting

McAllen Independent School District affirms that it will provide equality of opportunity for all students and employees by preventing discrimination, investigating all allegations of discrimination, and correcting discriminatory actions if found to exist.

WHAT IS TITLE IX?

No sex discrimination. No sexual assault. *Period.*





Department of Education - New Title IX Regulations

Title IX Coordinator (Students and Employees) – John Wilde

The Title IX Coordinator becomes an overseer of the process. These trainings will train the Title IX coordinator in: understanding the overall process and how to coordinate the multiple new functions, determining appropriate ranges for support and remedies and disciplinary sanctions; how to provide sufficient and proper notice under the new guidelines; understanding the role of voluntary resolution; carrying out remedies pursuant to written decisions.

Investigators – Jesus Martinez and Stanley Smith

Investigators now have to be trained in: impartial investigations; when to dismiss a complaint; the standards of evidence; how to equitably and meaningfully include the complainant and respondent in the process including inculpatory and exculpatory evidence; how to write a decision; the role of expert witnesses; legal privileges; the role of advisors; statutory timelines; handling a hearing; writing your recommendation;

Decision Makers – John Cavazos

Decision-makers now have to be trained in: objectivity and independent analysis; impartiality and how to decide what evidence is relevant; weighing evidence based upon different standards of evidence; drafting written decisions consistent with statutory mandates; determining appropriate disciplinary standards and providing appeal rights;

Advisors – Stan Crounse and Andy Silva

Advisors are also new to the process. Advisors are employees (or lawyers) hired by the District and provided free of charge to the complainant or respondent to assist them in reviewing evidence and presenting their evidence, witnesses, and responding to the same. They need to be trained in evidence, examining witnesses, preparing witnesses, and the art of cross examination and their role as advocate for the complainant or respondent.

Facilitators – Karina Garza

Facilitators are new to the process and must be trained in: Independent and unbiased facilitating the process for voluntary resolution; best practice methods for reaching compromise and voluntary resolution

Appeal (Decision Maker Decision) – Todd Miller

Appeal position reviews a request made by either the complainant or the respondent of the decision maker. The appeal must meet the criteria set forth in the new regulations for an appeal to be considered. If not, the appeal request is denied.



Title IX Designees for Departments

Title IX Designee: John L. Wilde – Administration Location

- Human Resources
- Benefits
- Student Support Services
- Advanced Academics
- Athletics
- Accounting
- Business Office
- Payroll
- Purchasing
- Student Outreach
- Early Childhood
- Health/PE
- Math
- Science
- Social Studies
- Superintendent's Office
- Board of Trustees
- Community Information
- Print Shop

Title IX Designee: Adrian Garza – Crockett Location

- Nurses
- Instructional Materials
- Student Operations
- DOT
- Bilingual
- CTE
- Counseling
- Instructional Technology/Library Services
- Migrant
- 504
- Fine Arts
- Internal Audit
- Police department

Title IX Designee: Alex Molina

- Child Nutrition

Title IX Designee: Ruben Trevino

- FMO
- Central Warehouse
- Fixed Assets

Title IX Designee: Erica Flores

- Transportation

Title IX Designee: Dr. Cynthia Noel

- Assessment

Title IX Designee: Juan Ramirez

- Federal Programs

Title IX Designee: Miguel Carmona @ AECHS

- Professional Development
- ELA

Title IX Designee: Maribelle Elizondo

- Special Education
- Regional School for the Deaf

Title IX Designees for Campuses

- McAllen High School - Stephanie Friedlein
- Memorial High School - Cassandra Rodriguez
- Rowe High School - Elizabeth De Leon
- Lamar - Nora Sanchez
- Achieve Early College - Miguel Carmona
- I & G - Tony Harris
- Brown Middle School - Jessica Gonzalez
- Cathey Middle School - Dr. Consuelo Camacho
- De Leon Middle School - Victoria Snelling
- Fossum Middle School - Laura Williams
- Morris Middle School - Olga Mendez
- Travis Middle School - Kristina Venecia

- Alvarez Elementary - Juan Montes
- Bonham Elementary - Leticia Infante
- Castaneda Elementary - Jessica Rodriguez
- Escandon Elementary - Carlos Mora
- Fields Elementary - Teresa Trdla
- Garza Elementary - Nancy Valenzuela
- Gonzalez Elementary - Jennifer Alaniz
- Hendricks Elementary - Sandra Salinas
- Houston Elementary - Debra Loya Thomas
- Jackson Elementary - Miguel Herrera
- McAuliffe Elementary - Elizabeth Gonzalez
- Milam Elementary - Bibiana Guerra
- Perez Elementary - Marla Skretta
- Rayburn Elementary - Clarissa Partida
- Roosevelt Elementary - Cynthia Hatzold
- Sanchez Elementary - Veronica Rodriguez
- Seguin Elementary - Juan Nevarez
- Thigpen-Zavala Elementary - Sonia S. Casas
- Wilson Elementary - Kristine Garza

STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

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Note: The following legal provisions address dating violence and sexual harassment. For legal provisions addressing discrimination on the basis of disability, sex, and other protected characteristics, see FB.

Dating Violence

A district shall adopt and implement a dating violence policy to be included in the district improvement plan.

A dating violence policy must:

1. Include a definition of dating violence that includes the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person in a dating relationship, as defined by Family Code 71.0021; and
2. Address safety planning, enforcement of protective orders, school-based alternatives to protective orders, training for teachers and administrators, counseling for affected students, and awareness education for students and parents.

Education Code 37.083, .0831 [See BQ]

Note: References to Title IX, part, or subpart in the following legal provisions refer to Title IX and its corresponding regulations.

Sexual Harassment

A district may develop and implement a sexual harassment policy to be included in the district improvement plan. *Education Code 37.083 [See BQ]*

Sexual abuse of a student by an employee, when there is a connection between the physical sexual activity and the employee's duties and obligations as a district employee, violates a student's constitutional right to bodily integrity. Sexual abuse may include fondling, sexual assault, or sexual intercourse. *U.S. Const. Amend. 14; Doe v. Taylor Indep. Sch. Dist., 15 F.3d 443 (5th Cir. 1994)*

A district's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX. *34 C.F.R. 106.45; 20 U.S.C. 1681 [See also FB regarding Title IX]*

Designation of
Title IX Coordinator

A district must designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under Title IX, which employee must be referred to as the "Title IX Coordinator."

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Parties Entitled to Notice The district must notify applicants for admission and employment, students, parents or legal guardians, employees, and all professional organizations holding professional agreements with the district ("Parties Entitled to Notice") of the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator.

34 C.F.R. 106.8(a)

Reporting Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during nonbusiness hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

Notification of Policy A district must notify the Parties Entitled to Notice, above, that the district does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner. The notification must state that the requirement not to discriminate in the education program or activity extends to admission and employment, and that inquiries about the application of Title IX to such district may be referred to the district's Title IX Coordinator, to the assistant secretary for civil rights of the Department of Education, or both.

34 C.F.R. 106.2(d), .8(b)(1)

Publication Requirements A district must prominently display the contact information required to be listed for the Title IX Coordinator and the nondiscrimination policy described at Notification of Policy, above, on its website, if any, and in each handbook that it makes available to the Parties Entitled to Notice, above.

A district must not use or distribute a publication stating that the district treats applicants, students, or employees differently on the basis of sex except as such treatment is permitted by Title IX.

34 C.F.R. 106.8(b)(2)

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Note: To distinguish the process described below from the District's general grievance policies [see DGBA, FNG, and GF], this policy refers to the grievance process required by Title IX regulations for responding to formal complaints of sexual harassment as the District's "Title IX formal complaint process."

Complaint
Procedures

A district must adopt and publish procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by Title IX and a Title IX formal complaint process that complies with 34 C.F.R. 106.45 for formal complaints as defined below.

A district must provide notice to the Parties Entitled to Notice, above, of the district's procedures and Title IX formal complaint process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the district will respond.

The requirements of this provision apply only to sex discrimination occurring against a person in the United States.

34 C.F.R. 106.8(c)–(d)

Response to Sexual
Harassment

Definitions

"Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to a district's Title IX Coordinator or any official of the district who has authority to institute corrective measures on behalf of the district, or to any employee of an elementary and secondary school. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the district with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the district. "Notice" as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.

"Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

"Consent" is not defined by the Title IX regulations, nor do the regulations require districts to adopt a particular definition of consent with respect to sexual assault.

"Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment

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against a respondent and requesting that the district investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the district with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator, and by any additional method designated by the district. As used in this paragraph, the phrase “document filed by a complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the district) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party to a Title IX formal complaint, and must comply with the requirements of the Title IX formal complaint process, including the informal resolution process.

“Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

“Sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual’s participation in unwelcome sexual conduct;
2. 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” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

“Supportive measures” means nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the district’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines

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or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or district-provided housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the district to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

34 C.F.R. 106.2, .30(a)

*Deliberate
Indifference*

A district with actual knowledge of sexual harassment in an education program or activity of the district against a person in the United States, must respond promptly in a manner that is not deliberately indifferent. A district is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

*Education
Program or
Activity*

For the purposes of 34 C.F.R. 106.30 [see Definitions, above] and 106.45 [see Process for Title IX Formal Complaint, below], “education program or activity” includes locations, events, or circumstances over which the district exercised substantial control over both the respondent and the context in which the sexual harassment occurs.

34 C.F.R. 106.44(a)

Title IX Coordinator
Response

The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant’s wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. The Title IX Coordinator must respond in this manner with or without a formal complaint. *34 C.F.R. 106.44(b)(1)*

*Supportive
Measures
Required*

A district’s response must treat complainants and respondents equitably by offering supportive measures and by following a process that complies with 34 C.F.R. 106.45 [see Process for Title IX Formal Complaint, below] before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. [For Emergency Removal procedures, see below.]

*Constitutional
Restrictions*

The Department of Education may not deem a district to have satisfied the district’s duty to not be deliberately indifferent under Title

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IX based on the district's restriction of rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment.

34 C.F.R. 106.44(a)

*Response to a
Formal Complaint*

In response to a formal complaint, a district must follow a process that complies with 34 C.F.R. 106.45 [see Process for Title IX Formal Complaint, below]. *34 C.F.R. 106.44(b)(1)*

*Emergency
Removal*

The Title IX regulations do not preclude a district from removing a respondent from the district's education program or activity on an emergency basis, provided that the district:

1. Undertakes an individualized safety and risk analysis;
2. Determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal; and
3. Provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

34 C.F.R. 106.44(c)

*Administrative
Leave*

The Title IX regulations do not preclude a district from placing a nonstudent employee respondent on administrative leave during the pendency of a Title IX formal complaint. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act. *34 C.F.R. 106.44(d)*

Process for Title IX
Formal Complaint

For the purpose of addressing formal complaints of sexual harassment, a district's process must comply with the following requirements. Any provisions, rules, or practices other than those required by this provision that a district adopts as part of its process for handling formal complaints of sexual harassment must apply equally to both parties. *34 C.F.R. 106.45(b)*

A district's Title IX formal complaint process must:

1. Treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following a process that complies with the Title IX regulations before the imposition of any disciplinary sanctions or other actions that are not supportive measures

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against a respondent. Remedies must be designed to restore or preserve equal access to the district's education program or activity. Such remedies may include the same individualized services described as supportive measures; however, remedies need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent;

2. Require an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence—and provide that credibility determinations may not be based on a person's status as a complainant, respondent, or witness;
3. Require that any individual designated by a district as a Title IX Coordinator, investigator, decision-maker, or any person designated by a district to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A district must ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment, the scope of the district's education program or activity, how to conduct an investigation and Title IX formal complaint process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. A district must ensure that decision-makers receive training on any technology to be used at a live hearing, if any, and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. [See Hearings, below] A district also must ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. [See Investigation of a Formal Complaint, below] Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment;
4. Include a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Title IX formal complaint process;
5. Include reasonably prompt time frames for conclusion of the Title IX formal complaint process, including reasonably

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prompt time frames for filing and resolving appeals and informal resolution processes if the district offers informal resolution processes, and a process that allows for the temporary delay of the Title IX formal complaint process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities;

6. Describe the range of possible disciplinary sanctions and remedies or list the possible disciplinary sanctions and remedies that the district may implement following any determination of responsibility;
7. State whether the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard, apply the same standard of evidence for formal complaints against students as for formal complaints against employees, including faculty, and apply the same standard of evidence to all formal complaints of sexual harassment;
8. Include the procedures and permissible bases for the complainant and respondent to appeal;
9. Describe the range of supportive measures available to complainants and respondents; and
10. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

34 C.F.R. 106.45(b)(1)

*Notice of
Allegations*

Upon receipt of a formal complaint, a district must provide the following written notice to the parties who are known:

1. Notice of the district's Title IX formal complaint process, including any informal resolution process.
2. Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:
 - a. The identities of the parties involved in the incident, if known;

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- b. The conduct allegedly constituting sexual harassment;
and
- c. The date and location of the alleged incident, if known.

The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Title IX formal complaint process. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney and may inspect and review evidence [see Investigation of a Formal Complaint, below]. The written notice must inform the parties of any provision in the district's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the Title IX formal complaint process.

If, in the course of an investigation, the district decides to investigate allegations about the complainant or respondent that are not included in the Notice of Allegations, above, the district must provide notice of the additional allegations to the parties whose identities are known.

34 C.F.R. 106.45(b)(2)

*Dismissal of a
Formal Complaint*

The district must investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment 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, then the district must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX; such a dismissal does not preclude action under another provision of the district's code of conduct.

The district may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the district; or specific circumstances prevent the district from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal required or permitted pursuant to 34 C.F.R. 106.45(b)(3), the district must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

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*Consolidation of
Formal
Complaints*

A district may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a Title IX formal complaint process involves more than one complainant or more than one respondent, references in this provision to the singular “party,” “complainant,” or “respondent” include the plural, as applicable.

34 C.F.R. 106.45(b)(3)–(4)

*Investigation of a
Formal Complaint*

When investigating a formal complaint and throughout the Title IX formal complaint process, a district must:

1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the district and not on the parties provided that the district cannot access, consider, disclose, or otherwise use a party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the district obtains that party’s voluntary, written consent to do so for a Title IX formal complaint (if a party is not an “eligible student,” as defined in 34 C.F.R. 99.3 then the district must obtain the voluntary, written consent of a “parent,” as defined in 34 C.F.R. 99.3) [see FL(LEGAL) at Education Records];
2. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
3. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
4. Provide the parties with the same opportunities to have others present during any Title IX formal complaint proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or Title IX formal complaint proceeding; however, the district may establish restrictions regarding

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the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;

5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
6. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the district does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the district must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least ten days to submit a written response, which the investigator will consider prior to completion of the investigative report. The district must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and
7. Create an investigative report that fairly summarizes relevant evidence and, at least ten days prior to a hearing (if a hearing is required or otherwise provided) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

34 C.F.R. 106.45(b)(5)

Hearings

The district's Title IX formal complaint process may, but need not, provide for a hearing. With or without a hearing, after the district has sent the investigative report to the parties pursuant to 34 C.F.R. 106.45(b)(5)(vii) [see Investigation of a Formal Complaint, above] and before reaching a determination regarding responsibility, the decision-maker(s) must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. With or without a hearing, questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior

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sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant. *34 C.F.R. 106.45(b)(6)(ii)*

*Determination
Regarding
Responsibility*

The decision-maker(s), who cannot be the same person(s) as the Title IX Coordinator or the investigator(s), must issue a written determination regarding responsibility. To reach this determination, the district must apply the standard of evidence described at Process for Title IX Formal Complaint, above.

The written determination must include:

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the district's code of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's education program or activity will be provided by the district to the complainant; and
6. The district's procedures and permissible bases for the complainant and respondent to appeal.

The district must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the district provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

34 C.F.R. 106.45(b)(7)(i)–(ii)

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*Implementation
of Remedies*

The Title IX Coordinator is responsible for effective implementation of any remedies. *34 C.F.R. 106.45(b)(7)(iv)*

Appeals

A district must offer both parties an appeal from a determination regarding responsibility, and from a district's dismissal of a formal complaint or any allegations therein, on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

A district may offer an appeal equally to both parties on additional bases.

As to all appeals, the district must:

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
2. Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
3. Ensure that the decision-maker(s) for the appeal complies with the standards in the Title IX regulations regarding conflict of interest and bias [see Process for Formal Title IX Complaint, item 3, above];
4. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
5. Issue a written decision describing the result of the appeal and the rationale for the result; and
6. Provide the written decision simultaneously to both parties.

34 C.F.R. 106.45(b)(8)

*Informal
Resolution*

A district may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent

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with Title IX. Similarly, a district may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility the district may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the district:

1. Provides to the parties a written notice disclosing:
 - a. The allegations;
 - b. 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, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the Title IX formal complaint process with respect to the formal complaint; and
 - c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
2. Obtains the parties' voluntary, written consent to the informal resolution process; and
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

34 C.F.R. 106.45(b)(9)

Recordkeeping

A district must maintain for a period of seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the district's education program or activity;
2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom; and
4. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. A district must make these training materials publicly available on its website or if the district does not maintain a website the district must make these materials

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available upon request for inspection by members of the public.

For each response required under Title IX Coordinator Response, above, a district must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the district must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the district's education program or activity.

If a district does not provide a complainant with supportive measures, then the district must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the district in the future from providing additional explanations or detailing additional measures taken.

34 C.F.R. 106.45(b)(10)

Retaliation
Prohibited

No district or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

Complaints alleging retaliation may be filed according to the Process for Title IX Formal Complaint above.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited by Title IX.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a Title IX formal complaint proceeding does not constitute retaliation prohibited by Title IX, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

34 C.F.R. 106.71(a)–(b)

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Confidentiality

The district must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA) statute, 20 U.S.C. 1232g, or FERPA regulations, 34 C.F.R. part 99, or as required by law, or to carry out the purposes of 34 C.F.R. part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. *34 C.F.R. 106.71(a)*

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Note: This policy addresses discrimination, harassment, and retaliation against District students. For provisions regarding discrimination, harassment, and retaliation against District employees, see DIA. For reporting requirements related to child abuse and neglect, see FFG. Note that FFH shall be used in conjunction with FFI (bullying) for certain prohibited conduct.

**Statement of
Nondiscrimination**

The District prohibits discrimination, including harassment, against any student on the basis of race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law. The District prohibits dating violence, as defined by this policy. Retaliation against anyone involved in the complaint process is a violation of District policy and is prohibited.

Discrimination

Discrimination against a student is defined as conduct directed at a student on the basis of race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law, that adversely affects the student.

Prohibited Conduct

In this policy, the term “prohibited conduct” includes discrimination, harassment, dating violence, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

Prohibited conduct also includes sexual harassment as defined by Title IX. [See FFH(LEGAL)]

**Prohibited
Harassment**

Prohibited harassment of a student is defined as physical, verbal, or nonverbal conduct based on the student’s race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law, when the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student’s ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student’s academic performance; or
3. Otherwise adversely affects the student’s educational opportunities.

Prohibited harassment includes dating violence as defined by law and this policy.

Examples

Examples of prohibited harassment may include offensive or derogatory language directed at another person’s religious beliefs or

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practices, accent, skin color, or need for accommodation; threatening, intimidating, or humiliating conduct; offensive jokes, name calling, slurs, or rumors; cyberharassment; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

**Sex-Based
Harassment**

As required by law, the District shall follow the procedures below at Response to Sexual Harassment—Title IX upon a report of sex-based harassment, including sexual harassment, gender-based harassment, and dating violence, when such allegations, if proved, would meet the definition of sexual harassment under Title IX. [See FFH(LEGAL)]

**Sexual Harassment
By an Employee**

Sexual harassment of a student by a District employee includes both welcome and unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. A District employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or
2. The conduct is so severe, persistent, or pervasive that it:
 - a. Affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or
 - b. Creates an intimidating, threatening, hostile, or abusive educational environment.

Romantic or other inappropriate social relationships between students and District employees are prohibited. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See DH]

By Others

Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;

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2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

Examples

Examples of sexual harassment of a student may include sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; and other sexually motivated conduct, contact, or communications, including electronic communication.

Necessary or permissible physical contact such as assisting a child by taking the child's hand, comforting a child with a hug, or other physical contact not reasonably construed as sexual in nature is not sexual harassment.

Gender-Based Harassment

Gender-based harassment includes physical, verbal, or nonverbal conduct based on the student's gender, the student's expression of characteristics perceived as stereotypical for the student's gender, or the student's failure to conform to stereotypical notions of masculinity or femininity. For purposes of this policy, gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

Examples

Examples of gender-based harassment directed against a student, regardless of the student's or the harasser's actual or perceived sexual orientation or gender identity, may include offensive jokes, name-calling, slurs, or rumors; cyberharassment; physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.

Dating Violence

Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense.

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For purposes of this policy, dating violence is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

Examples

Examples of dating violence against a student may include physical or sexual assaults; name-calling; put-downs; or threats directed at the student, the student's family members, or members of the student's household. Additional examples may include destroying property belonging to the student, threatening to commit suicide or homicide if the student ends the relationship, attempting to isolate the student from friends and family, stalking, threatening a student's spouse or current dating partner, or encouraging others to engage in these behaviors.

**Reporting
Procedures**

Student Report

Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a teacher, school counselor, principal, other District employee, or the appropriate District official listed in this policy.

Employee Report

Any District employee who suspects or receives direct or indirect notice that a student or group of students has or may have experienced prohibited conduct shall immediately notify the appropriate District official listed in this policy and take any other steps required by this policy.

Definition of District
Officials

For the purposes of this policy, District officials are the Title IX coordinator, the ADA/Section 504 coordinator, and the Superintendent.

*Title IX
Coordinator*

Reports of discrimination based on sex, including sexual harassment, gender-based harassment, or dating violence, may be directed to the designated Title IX coordinator for students. [See FFH(EXHIBIT)]

*ADA /
Section 504
Coordinator*

Reports of discrimination based on disability may be directed to the designated ADA/Section 504 coordinator for students. [See FFH(EXHIBIT)]

Superintendent

The Superintendent shall serve as coordinator for purposes of District compliance with all other nondiscrimination laws.

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**Alternative
Reporting
Procedures**

An individual shall not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the Title IX coordinator or ADA/Section 504 coordinator, may be directed to the Superintendent.

A report against the Superintendent may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.

Timely Reporting

To ensure the District's prompt investigation, reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act.

Notice to Parents

The District official or designee shall promptly notify the parents of any student alleged to have experienced prohibited conduct by a District employee or another adult.

[For parental notification requirements regarding an allegation of educator misconduct with a student, see FFF.]

**Investigation of
Reports Other Than
Title IX**

The following procedures apply to all allegations of prohibited conduct other than allegations of harassment prohibited by Title IX. [See FFH(LEGAL)] For allegations of sex-based harassment that, if proved, would meet the definition of sexual harassment under Title IX, including sexual harassment, gender-based harassment, and dating violence, see the procedures below at Response to Sexual Harassment—Title IX.

The District may request, but shall not require, a written report. If a report is made orally, the District official shall reduce the report to written form.

Initial Assessment

Upon receipt or notice of a report, the District official shall determine whether the allegations, if proved, would constitute prohibited conduct as defined by this policy. If so, the District shall immediately undertake an investigation, except as provided below at Criminal Investigation.

If the District official determines that the allegations, if proved, would not constitute prohibited conduct as defined by this policy, the District official shall refer the complaint for consideration under FFI.

Interim Action

If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the District shall promptly take interim action calculated to address prohibited conduct or bullying prior to the completion of the District's investigation.

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District Investigation	<p>The investigation may be conducted by the District official or a designee, such as the principal, or by a third party designated by the District, such as an attorney. When appropriate, the principal shall be involved in or informed of the investigation.</p> <p>The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.</p>
Criminal Investigation	<p>If a law enforcement or regulatory agency notifies the District that a criminal or regulatory investigation has been initiated, the District shall confer with the agency to determine if the District investigation would impede the criminal or regulatory investigation. The District shall proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation. After the law enforcement or regulatory agency has finished gathering its evidence, the District shall promptly resume its investigation.</p>
Concluding the Investigation	<p>Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for the District to delay its investigation, the investigation should be completed within ten District business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.</p> <p>The investigator shall prepare a written report of the investigation. The report shall include a determination of whether prohibited conduct or bullying occurred. The report shall be filed with the District official overseeing the investigation.</p>
<i>Notification of Outcome</i>	<p>Notification of the outcome of the investigation shall be provided to both parties in compliance with FERPA.</p>
District Action <i>Prohibited Conduct</i>	<p>If the results of an investigation indicate that prohibited conduct occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the Student Code of Conduct and may take corrective action reasonably calculated to address the conduct.</p>
Corrective Action	<p>Examples of corrective action may include a training program for those involved in the report, a comprehensive education program for the school community, counseling to the victim and the student who engaged in prohibited conduct, follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of</p>

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	areas where prohibited conduct has occurred, and reaffirming the District's policy against discrimination and harassment.
<i>Bullying</i>	If the results of an investigation indicate that bullying occurred, as defined by FFI, the District official shall refer to FFI for appropriate notice to parents and District action. The District official shall refer to FDB for transfer provisions.
<i>Improper Conduct</i>	If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take disciplinary action in accordance with the Student Code of Conduct or other corrective action reasonably calculated to address the conduct.
Confidentiality	To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.
Appeal	A student or parent who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level. A student or parent shall be informed of his or her right to file a complaint with the United States Department of Education Office for Civil Rights.
Response to Sexual Harassment–Title IX	For purposes of the District's response to reports of harassment prohibited by Title IX, definitions can be found in FFH(LEGAL).
General Response	<p>When the District receives notice or an allegation of conduct that, if proved, would meet the definition of sexual harassment under Title IX, the Title IX coordinator shall promptly contact the complainant to:</p> <ul style="list-style-type: none">• Discuss the availability of supportive measures and inform the complainant that they are available, with or without the filing of a formal complaint;• Consider the complainant's wishes with respect to supportive measures; and• Explain to the complainant the option and process for filing a formal complaint. <p>The District's response to sexual harassment shall treat complainants and respondents equitably by offering supportive measures to both parties, as appropriate, and by following the Title IX formal complaint process before imposing disciplinary sanctions or other actions that are not supportive measures against a respondent.</p>

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Title IX Formal
Complaint Process

If a formal complaint is not filed, the District reserves the right to investigate and respond to prohibited conduct in accordance with Board policies and the Student Code of Conduct.

To distinguish the process described below from the District's general grievance policies [see DGBA, FNG, and GF], this policy refers to the grievance process required by Title IX regulations for responding to formal complaints of sexual harassment as the District's "Title IX formal complaint process."

The Superintendent shall ensure the development of a Title IX formal complaint process that complies with legal requirements. [See FFH(LEGAL)] The formal complaint process shall be posted on the District's website. In compliance with Title IX regulations, the District's Title IX formal complaint process shall address the following basic requirements:

1. Equitable treatment of complainants and respondents;
2. An objective evaluation of all relevant evidence;
3. A requirement that the Title IX coordinator, investigator, decision-maker, or any person designated to facilitate an informal resolution process not have a conflict of interest or bias;
4. A presumption that the respondent is not responsible for the alleged sexual harassment until a determination is made at the conclusion of the Title IX formal complaint process;
5. Time frames that provide for a reasonably prompt conclusion of the Title IX formal complaint process, including time frames for appeals and any informal resolution process, and that allow for temporary delays or the limited extension of time frames with good cause and written notice as required by law;
6. A description of the possible disciplinary sanctions and remedies that may be implemented following a determination of responsibility for the alleged sexual harassment;
7. A statement of the standard of evidence to be used to determine responsibility for all Title IX formal complaints of sexual harassment;
8. Procedures and permissible bases for the complainant and respondent to appeal a determination of responsibility or a dismissal of a Title IX formal complaint or any allegations therein;
9. A description of the supportive measures available to the complainant and respondent;

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10. A prohibition on using or seeking information protected under a legally recognized privilege unless the individual holding the privilege has waived the privilege;
11. Additional formal complaint procedures in 34 C.F.R. 106.45(b), including written notice of a formal complaint, consolidation of formal complaints, recordkeeping, and investigation procedures; and
12. Other local procedures as determined by the Superintendent.

Standard of
Evidence

The standard of evidence used to determine responsibility in a Title IX formal complaint of sexual harassment shall be the preponderance of the evidence.

Retaliation

The District prohibits retaliation by a student or District employee against a student alleged to have experienced discrimination or harassment, including dating violence, or another student who, in good faith, makes a report of harassment or discrimination, files a complaint of harassment or discrimination, serves as a witness, or participates in an investigation. The definition of prohibited retaliation under this policy also includes retaliation against a student who refuses to participate in any manner in an investigation under Title IX.

Examples

Examples of retaliation may include threats, intimidation, coercion, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

False Claim

A student who intentionally makes a false claim or offers false statements in a District investigation regarding discrimination or harassment, including dating violence, shall be subject to appropriate disciplinary action in accordance with law.

Records Retention

The District shall retain copies of allegations, investigation reports, and related records regarding any prohibited conduct in accordance with the District's records control schedules, but for no less than the minimum amount of time required by law. [See CPC]

[For Title IX recordkeeping and retention provisions, see FFH(LEGAL) and the District's Title IX formal complaint process.]

**Access to Policy and
Procedures**

Information regarding this policy and any accompanying procedures shall be distributed annually in the employee and student handbooks. Copies of the policy and procedures shall be posted on the District's website, to the extent practicable, and readily available at each campus and the District's administrative offices.

Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) is a federal law that prohibits discrimination based on the sex of students or employees in educational institutions that receive federal financial assistance. The McAllen Independent School District prohibits discrimination, including harassment, against any student/employee on the basis of race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of District Policy and is prohibited.

Sexual Harassment

TITLE IX GRIEVANCE PROCESS (For Students)

for Reports, Complaints, Investigations, Appeals

I. Sexual harassment is conduct that is defined as follows:

1. An employee conditioning an aid, benefit, or service of the school on a student's participation in sexual conduct;
2. Unwelcome conduct that a reasonable person would consider severe, pervasive, and objectively offensive such that it effectively denies a student equal access to a district program or activity; or
3. Sexual assault, dating violence, domestic violence, or stalking.

- **Complainant:** a student who is alleged to be the victim of sexual harassment.
- **Respondent:** a student who is alleged to be the perpetrator of sexual harassment. A Respondent may not be disciplined for sexual harassment until the conclusion of this grievance process.
- **Formal Complaint:** a document filed by a Complainant (or parent/guardian) or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the District investigate the allegation.

New Definition of Sexual Harassment
34 C.F.R. §106.30

****All employees must report suspected sexual harassment, but only a Complainant and the Title IX Coordinator can file a Formal Complaint.**

A student may report alleged sexual harassment to a teacher, school counselor, administrator, or other appropriate school employee. Those employees must immediately report alleged sexual harassment to a campus administrator.

- II. Reporting: All employees must ***immediately*** report all instances of suspected sexual harassment to the campus/department Title IX Designee or the Title IX Coordinator, John L. Wilde, Director for Student Support Services. (An employee's failure to report alleged sexual harassment will result in disciplinary action up to and possibly including termination).

Any student can report an alleged incident of sexual harassment to any MISD employee who will then forward the alleged conduct to the Title IX Designee for processing.

- III. Child Abuse Reporting: If the incident could be ***child abuse***, the employee must report to CPS or law enforcement within ***48 hours*** of learning of incident.

- IV. The Title IX Designee will complete the Sexual Harassment/Discrimination Assessment Form and provide it to the Title IX Coordinator.

- V. The Campus/Department Title IX Designee will submit the Sexual Harassment/Discrimination Assessment Form to the Title IX Coordinator within ***24 hours***.

- VI. Emergency Removal: The Title IX Coordinator/designee and the campus administration will determine whether a student should be removed on an emergency basis. The District must first undertake an individualized safety and risk analysis to determine whether an immediate threat to the physical health and safety of others, arising from the alleged sexual harassment, justifies removal.

**Title IX does not modify the rights of students with disabilities regarding change of placement under the Individuals with Disabilities Education Act and Section 504 still apply.*

- VII. Administrative Leave: The Title IX Coordinator and Human Resources Department, in conjunction with campus administration, will determine whether an employee should be put on administrative leave.

RESPONSIBILITY: All Employees
FFH(LOCAL)

All Employees
FFG(LOCAL)

Campus Administrators

Campus Administrators

- Title IX Coordinator
- Campus Administrator
- Threat Assessment Personnel

- Title IX Coordinator
- Human Resources
- Campus Administrator

<p>VIII. Contact Alleged Victim/Complainant: Upon receiving the Title IX Sexual Harassment/Discrimination Assessment Form, the Title IX Coordinator will meet with the Complainant to review the assessment. The Title IX Coordinator will also discuss with Complainant:</p> <ol style="list-style-type: none"> 1. The availability of supportive measures; 2. Consider the Complainant's wishes regarding supportive measures; 3. Inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint; and 4. Explain the process for filing a Formal Complaint. <p>If it is determined that the elements of Title IX are met, the Title IX Coordinator will offer and assist in completing the Title IX Complaint Form. The Title IX Coordinator will then explain the grievance process to include: Notification Letters Sent to all parties, the investigation process, decision maker process and appeals process.</p>	<p>Title IX Coordinator</p>
<p>IX. Supportive Measures: non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, without fee or charge to the Complainant and Respondent, when a report of alleged sexual harassment is made. They may include counseling, change of schedules/classes, campus escort or monitoring support, mutual restrictions on contact between the parties, increased security and monitoring, or other similar measures.</p>	<ul style="list-style-type: none"> • Title IX Coordinator • Campus Administration
<p>X. If no Formal Complaint Filed: The Title IX Coordinator must offer the Complainant and Respondent with supportive measures and document the measures provided. Documentation of supportive measures must be retained for at least 7 years.</p>	<p>Title IX Coordinator</p>
<p>XI. If Formal Complaint Filed (Dismissal): A Formal Complaint may be dismissed at any time during the grievance process if one of the following conditions are met.</p> <p>Mandatory Dismissal: MISD is required by law to dismiss a Formal Complaint if the conduct alleged: 1) would not constitute sexual harassment even if proved; 2) did not occur in a District program or activity; or 3) did not occur in the U.S.</p> <p>Discretionary Dismissal: MISD may dismiss a Formal Complaint at any time during the investigation: 1) the Complainant withdraws the allegations or complaint in writing; 2) the Respondent is no longer enrolled in the District; or 3) specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to allegations.</p> <p>Dismissal of a Formal Complaint does not preclude the District from taking disciplinary measures against Respondents for non-sexual harassment violations of the Code of Conduct.</p>	<p>Title IX Coordinator</p>
<p>XII. Investigation of Formal Complaint – Appoint Investigator and Decision Maker - Provide Notice to Parties: Simultaneous notice must be provided to all known parties that includes:</p> <ul style="list-style-type: none"> • Allegations of sexual harassment, known at the time, with sufficient detail to prepare before any initial interview; • Identities of the parties involved; • Date, location of alleged incident(s); • Statement that Respondent is presumed not responsible and that a determination will not be made until the conclusion of the grievance process • Statement that the parties have the right to an advisor of their choosing, who can be a parent/guardian or another individual who may, but is not required to be, an attorney and who may inspect and review evidence; and • Statement that the Code of Conduct prohibits knowingly making false statements. • An offer of informal resolution. 	<p>Title IX Coordinator</p>
<p>XIII. Facilitation of Voluntary Informal Resolution: At any time prior to deciding of responsibility, MISD may facilitate an informal resolution process, such as mediation. This is a voluntary process. Any party may decline to participate. (The investigation may be abated for a short, defined period</p>	<p>Facilitator</p>

for the parties to engage in informal resolution. However, the informal resolution process cannot be used to delay an investigation.)

Note: *Informal Resolution cannot be used to resolve allegations that an employee sexually harassed a student.*

Prior to a resolution, a party has the right to withdraw and resume the grievance process with respect to the Formal Complaint.

XIV. New Rules for Investigating Formal Complaints:

1. The burden of proof (*preponderance of the evidence*) rests on MISD and not on the parties.
2. MISD cannot demand access to legally privileged information (e.g., healthcare-patient, attorney-client, priest-penitent).
3. Both parties must have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
4. MISD cannot restrict a party's ability to discuss the allegations under investigation or to gather or present relevant evidence.
5. Both parties have the right to have a parent/guardian and/or advisor present during any part of the grievance process, including interviews.
6. Parties are entitled to written notice of the date, time, location, participants, and purpose of investigative interviews and other meetings in this grievance process, with sufficient time for the party to prepare to participate.
7. Parties have the right to inspect and review any evidence obtained as a part of the investigation that is directly related to the allegations raised in the Formal Complaint.

Investigator(s)

XV. Conduct the Investigation:

1. Review Formal Complaint.
2. Determine whether there is an on-going criminal investigation and confer with law enforcement about whether the school's investigation will interfere with the criminal investigation. If so, the Administrative investigation may be abated for a short, defined period in cooperation with law enforcement. Weekly contact will be made with MISD P.D. to determine status of criminal investigation; all contact will be documented.
3. Send written notice of interviews to parties, including date, time, location, participants, and purpose of meeting with sufficient time (*3-5 days*) for the party to prepare to participate.
4. Interview Complainant regarding facts and potential witnesses. Advisor may be present but cannot answer for student.
5. Interview Witnesses identified by Complainant. Witnesses are not entitled to have a parent/guardian or advisor present, unless allowed by administration.
6. Interview Respondent. Advisor may be present but cannot answer for student.
7. Interview Witnesses identified by Respondent.
8. Re-interview Complainant for clarification, if necessary.
9. Gather physical evidence, visit incident site(s), review discipline and other relevant records of parties and witnesses.
10. Review statements or reports from expert witnesses, if any.
11. Allows parties access to facilities to gather evidence, if requested?
12. The parties do not have the right to be present during witness interviews. They can ask questions of the other party and witnesses through written question process later.
13. Organize evidence to share with parties.
14. Prior to completion of the investigative report, the investigator must send an electronic or hard copy of the relevant evidence gathered to the parties and the parties' advisors, if any. The parties must be provided at least 10 business days to submit a written response that the investigator must consider before completing the investigative report.
15. Prepare an investigative report that summarizes relevant evidence. The report may include proposed findings of fact.
16. The investigative report must be sent to the parties at least 10 business days before the Decision Maker decides regarding responsibility.
17. Send investigative report to Decision Maker.

Investigator(s)

The McAllen Independent School District prohibits discrimination, including harassment, against any employee/student on the basis of race, color, religion, gender, national origin, age, disability, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of District Policy and is prohibited. McAllen ISD is an equal opportunity provider. The following person has been designated to handle inquiries regarding this subject: John L. Wilde, john.wilde@mcallenisd.net, Director for Student Support Services, Title IX Coordinator (Students and Employees), 2200 Tamarack Ave. Portale 69, McAllen, TX - 78501 (956) 618-6031

<p>XVI. Decision/Determination of Responsibility: A Decision Maker (who is not the Title IX Coordinator or the Investigator) must issue a comprehensive written determination regarding responsibility (i.e., whether sexual harassment occurred) and the complete grievance process to date. The decision must include:</p> <ol style="list-style-type: none"> 1. Identification of the allegations that constitute sexual harassment; 2. Description of the procedural steps taken since the receipt of the Formal Complaint through the Decision, including notifications, interviews with the parties and witnesses, site visits, methods used to gather other evidence; 3. Findings of Fact 4. Conclusions regarding the application of the District's Code of Conduct to the facts; 5. A statement of and the rationale for the results of each allegation, including a determination of responsibility; 6. Any disciplinary sanctions imposed on the Respondent; 7. A statement whether remedies to the Complainant have been designed to restore or preserve equal access to the District's education program or activity; and 8. Information about the ability of the parties to appeal the decision. <p>The decision must be sent to the parties simultaneously.</p>	Decision Maker
<p>XVII. Appeal: Either party may appeal on a form provided by the District within <i>10 business days of issuance of the decision</i>. The only allowable bases for appeal are:</p> <ol style="list-style-type: none"> 1. Procedural irregularity that affected the outcome of the matter; 2. New evidence that was not reasonably available at the time of the decision that could affect the outcome; and 3. The Title IX Coordinator, Investigator(s), or Decision Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter. <p>If an appeal is filed, the Appeals Decision Maker shall provide notice to the other party in writing. Both parties shall have the opportunity to submit a written statement in support of or challenging the outcome. Parties will be provided <i>10 business days</i> to submit an appeal statement.</p> <p>After considering the written appeal statements of the parties, the Appeals Decision Maker will issue a written decision that includes a rationale for the result and provide the decision to both parties simultaneously.</p>	Appeals Decision Maker
<p>XVIII. Record Keeping: All records from a sexual harassment investigation under this grievance process must be maintained by the District for at least 7 years.</p>	Title IX Coordinator
<p>XIX. Office for Civil Rights: A student also has the right to file a complaint with United States Department of Education Office for Civil Rights.</p>	
<p>XX. Retaliation Prohibited: All individuals shall be protected from retaliation if the individual made a report or complaint, testified, assisted, or participated or refused to participate in an investigation or the grievance process. Retaliation may include intimidation, threats, coercion, or discrimination.</p>	All Employees

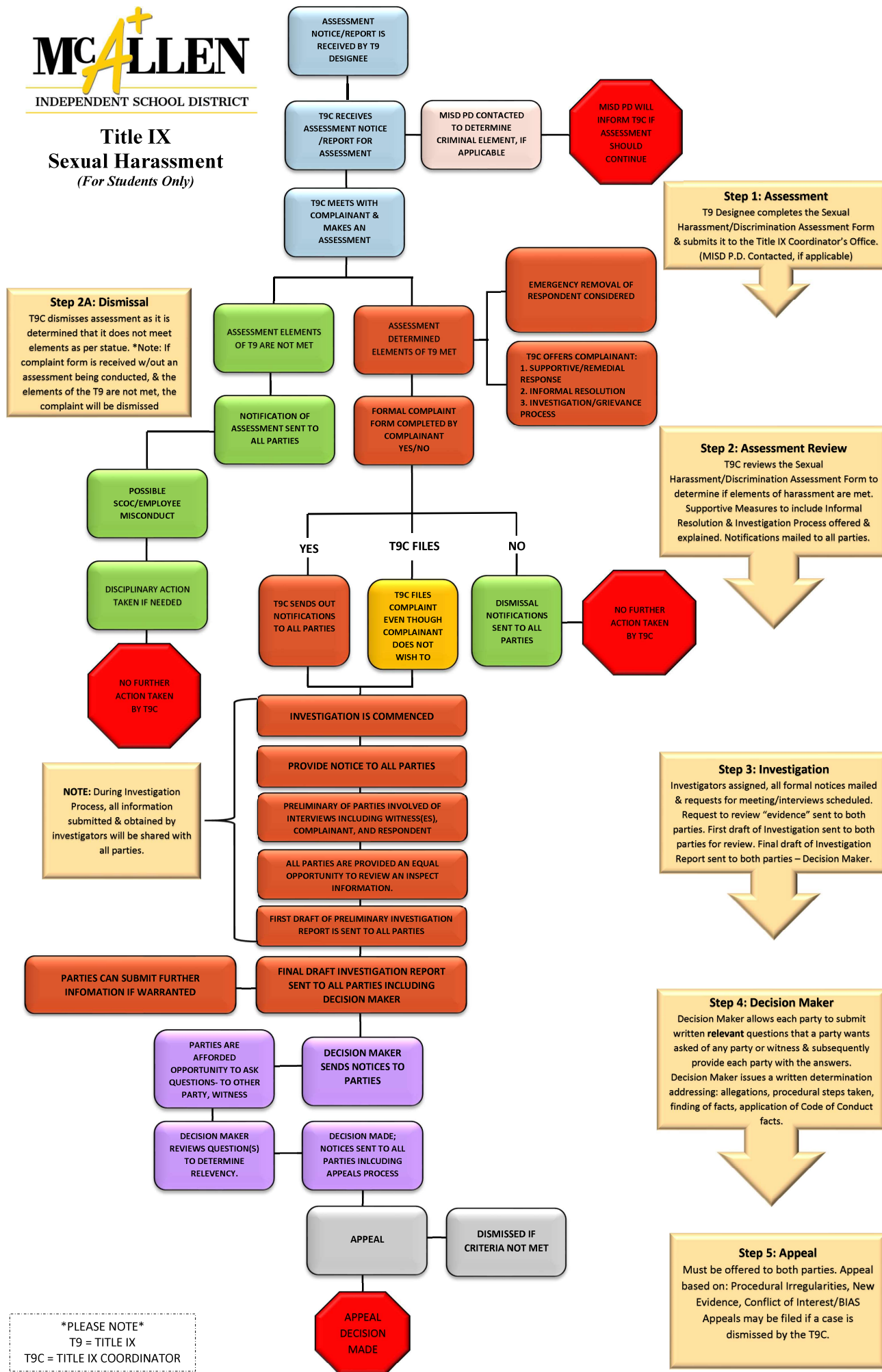
Does it meet Sexual Harassment Criteria?

Sexual Harassment Checklist for Students

Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) is a federal law that prohibits discrimination based on the sex of students or employees in educational institutions that receive federal financial assistance. The McAllen Independent School District prohibits discrimination, including harassment, against any student/employee on the basis of race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of District Policy and is prohibited. Please utilize this checklist to determine if the elements of sexual harassment are present under Title IX (34 CFR 106), and, if so, please complete the Title IX Assessment Form.

		Yes	No		
1. Is/was the Complainant (victim) a student of McAllen ISD?		<input type="checkbox"/>	<input type="checkbox"/>	No	*If any answer is NO, it does not meet the criteria of sexual harassment under 34 CFR 106 and FFH LEGAL/LOCAL Policy
2. Did the alleged incident occur on school district property to include; a bus, district vehicle, or during a school related activity?		<input type="checkbox"/>	<input type="checkbox"/>		
3. Is/was the Respondent (alleged perpetrator) a student or employee with McAllen ISD?		<input type="checkbox"/>	<input type="checkbox"/>		
Yes		If ALL THREE are Yes proceed to the next box below.			
Was the alleged incident as a result of:		Yes	No	No	*If the answer is NO to all three questions, it does not meet the criteria of sexual harassment under 34 CFR 106 and FFH LEGAL/LOCAL Policy
1. Quid Pro Quo (something for something)?		<input type="checkbox"/>	<input type="checkbox"/>		
2. 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?		<input type="checkbox"/>	<input type="checkbox"/>		
3. Sexual Assault – Dating Violence, Domestic Violence, Stalking?		<input type="checkbox"/>	<input type="checkbox"/>		
Yes		If ANY THREE are Yes proceed to the next box below.			
Did the alleged incident involve?		Yes	No	No	*If the answer is NO to all four questions, please have complainant explain the method of alleged sexual harassment.
- Physical Contact?		<input type="checkbox"/>	<input type="checkbox"/>		
- Verbal Expression?		<input type="checkbox"/>	<input type="checkbox"/>		
- Written Expression?		<input type="checkbox"/>	<input type="checkbox"/>		
- Electronic Expression?		<input type="checkbox"/>	<input type="checkbox"/>		
Yes		If ANY FOUR are Yes proceed to the next box below.			
Does the complainant wish to file a formal sexual harassment complaint?		Yes	No	No	*If the complainant's explanation does not meet criteria or the complainant does not wish to file a formal complaint, the allegation is dismissed under 34 CFR 106 and FFH LEGAL/LOCAL Policy
*Please note if the complainant does not wish to file a formal complaint, the Title IX Designee can still complete the Title IX Assessment Form on their behalf based on the severity of the allegation to which the Title IX Coordinator, John Wilde, will make the final determination on whether or not to move forward.		<input type="checkbox"/>	<input type="checkbox"/>		
Yes					
<div>Proceed with completing the Title IX Assessment Form</div>					
<div>*If the alleged incident/act does not meet criteria under 34 CFR 106 of Sexual Harassment, the behavior may meet a violation of the Student Code of Conduct or Employee Misconduct and the behavior/misconduct will be addressed accordingly.</div>					

**Title IX
Sexual Harassment
(For Students Only)**





Sexual Harassment/Discrimination Assessment Form

Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) is a federal law that prohibits discrimination based on the sex of students or employees in educational institutions that receive federal financial assistance. The McAllen Independent School District prohibits discrimination, including harassment, against any student/employee on the basis of race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of District Policy and is prohibited. Please complete this Assessment Form if you suspect or witnessed that a student or employee is a victim of an alleged act of sexual harassment and/or discrimination. Upon completion, please submit to the Title IX Coordinator's Office, John L. Wilde, Director for Student Support Service within 24 hours of completion.

Campus/Department: _____ Today's Date: _____

Administrator (Title IX Designee) Completing Report: _____ Title: _____

Person Reporting alleged Sexually Harassing Conduct (if not Complainant): _____

Is the alleged Complainant (victim) a ☐ Student ☐ Employee?

(Student Use Only)

Name of the Student Complainant (victim): _____ Grade: _____ ID#: _____
Address: _____ Phone Number: _____ Email Address: _____

(Employee Use Only)

Name of Employee Complainant (victim): _____ Title: _____
Address: _____ Phone Number: _____ Email Address: _____

Is the alleged Respondent (perpetrator) a ☐ Student ☐ Employee?

Name: _____ Grade: _____ ID#: _____ Campus: _____

Name: _____ Grade: _____ ID#: _____ Campus: _____

Employee Name: _____ Job Title: _____ Campus/Department: _____

Were there any witnesses to this alleged conduct? ☐ Yes ☐ No - If yes, please list those who witnessed the incident(s) or have knowledge of the incident. Please attach additional names if needed.

Name: _____ School/Department: _____ Phone Number: _____ Email: _____

Name: _____ School/Department: _____ Phone Number: _____ Email: _____

Name: _____ School/Department: _____ Phone Number: _____ Email: _____

Date(s) of Incident(s): _____, _____, _____ Time of Incident(s) _____, _____, _____

Location of Incident(s): _____

Was this alleged conduct or any other incident ever reported to or witnessed by any other District Employee? ☐ Yes ☐ No
If yes, to whom did you report it to? _____ Date Report Made: _____

Description of Incident(s) or Event(s): _____

Additional comments or notes from receiving administrator (Title IX Designee) - attach any documentation pertinent to this alleged conduct:

I agree that the information that I have read or has been read to me is true and correct.

Complainant Name: _____

Complainant Signature: _____

Administrator (Title IX Designee) Signature: _____ Date: _____

Student Support Services Only: **Assigned Case #:** _____

Received by: _____ Date: _____ Time: _____

Scheduled Meeting with Alleged Complainant - Date: _____ Time: _____

Assessment/Determination:

- ☐ Elements of alleged sexual harassment/discrimination met under Federal Statute or McAllen ISD (FFH LEGAL/LOCAL or DIA LEGAL/LOCAL) Policy. Complaint offered and completed.
- ☐ Elements of alleged sexual harassment/discrimination **were not met** under Federal Statute or MISD (FFH LEGAL/LOCAL or DIA LEGAL/LOCAL) Policy.
- ☐ Elements of alleged discrimination met under McAllen ISD FFH LEGAL/LOCAL or DIA LEGAL/LOCAL Policy.
- ☐ Elements of alleged discrimination **were not met** under McAllen ISD FFH LEGAL/LOCAL or DIA LEGAL/LOCAL Policy.

Explain findings:

Title IX Sexual Harassment/Discrimination Complaint Form

Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) is a federal law that prohibits discrimination based on the sex of students or employees in educational institutions that receive federal financial assistance. The McAllen Independent School District prohibits discrimination, including harassment, against any student/employee on the basis of race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of District Policy and is prohibited. If you are a student or employee who believes you have been a victim or witnessed an act of sexual harassment and/or discrimination, fill out the following form and return to the Title IX Designee Administrator at your campus or your department immediately.

Campus/Department: _____ Today's Date: _____

I. Filing the Report: (Student Use Only)

If the person filing out this report is either **Parent or Guardian** of the alleged complainant (victim), please provide:

Name: _____ Address: _____
Phone Number: _____ Email Address: _____

Is the Alleged Complainant (victim) a: ☐ Student ☐ Employee?

Name of the Student Complainant (victim): _____ Grade: _____ ID#: _____
Address: _____ Phone Number: _____ Email Address: _____

(Employee Use Only)

Name of Employee Complainant (victim): _____ Title: _____
Address: _____ Phone Number: _____ Email Address: _____

II. Information of Allegation:

Date(s) of the alleged sexual harassment/discrimination: _____, _____, _____

Have you reported this alleged conduct to any administrator or district employee? ☐ Yes ☐ No

If yes, to whom did you report it to? _____ Date Report Made: _____

Was the incident reported to McAllen ISD Police Department? ☐ Yes ☐ No – If yes, Case Number: _____

III. Individual(s) who is/are harassing/discriminating against you:

Is the alleged Respondent (perpetrator) a ☐ Student ☐ Employee?

Name: _____ Grade: _____ ID#: _____ Campus: _____

Name: _____ Grade: _____ ID#: _____ Campus: _____

Employee Name: _____ Job Title: _____ Campus/Department: _____

Were there any witnesses to this matter? ☐ Yes ☐ No - If yes, please list those who witnessed the incident(s) or have knowledge of the incident. Please attach additional names if needed.

Name: _____ School/Department: _____ Phone Number: _____ Email: _____

Name: _____ School/Department: _____ Phone Number: _____ Email: _____

Name: _____ School/Department: _____ Phone Number: _____ Email: _____

IV. Is the Alleged Conduct:

☐ Sexual Harassment

- Quid Pro Quo (a favor or advantage granted or expected in return for something – “favor for favor”)
- (For Students only) “The conduct is so severe, pervasive, and objectively offensive that it effectively DENIES a person EQUAL ACCESS to the program.” (FFH LEGAL)
- (For Employees only) “The conduct is so severe, persistent or pervasive, that it has the purpose or effect of unreasonably interfering with the employee’s work performance or creates an intimidating, threatening, hostile or offensive work environment.” (DIA LOCAL)

- V. Location of the Alleged Sexual Harassment/Discrimination (check all that apply):**

- ## VI. Statement:

(Employee Only) - Please describe the alleged sexual harassment and/or discrimination conduct had the effect of unreasonably interfering with your work performance, creates an intimidating, threatening, hostile, or offensive work environment; or otherwise adversely effected your performance, environment or employment opportunities:

Describe the alleged conduct as accurately as possible to include any evidence (texts, emails, notes etc.) you have that will support your allegation and if needed add additional information to the back of this form:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Please provide any other information that would be helpful for the District in reviewing your allegations:

Please describe the outcome or remedy you seek for this complaint:

The McAllen Independent School District prohibits discrimination, including harassment, against any employee/student on the basis of race, color, religion, gender, national origin, age, disability, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of District Policy and is prohibited. McAllen ISD is an equal opportunity provider. The following person has been designated to handle inquiries regarding this subject: John L. Wilde, john.wilde@mcallenisd.net, Director for Student Support Services, Title IX Coordinator (Students and Employees), 2200 Tamarack Ave. Portable 69, McAllen, TX - 78501 (956) 618-6031

I agree that all of the information on this complaint is accurate and true to the best of my knowledge. Any intentional misinformation of the facts will subject me to appropriate discipline. I authorize school officials to disclose my information to McAllen ISD P.D in pursuing a possible investigation.

Complainant Name: _____

Signature of Complainant: _____

If Complainant is Under 18, Parent's Name: _____

Signature of Parent: _____

Date of Filing: _____

**If this formal complaint is being signed by the District's Title IX Coordinator instead of a complainant:*

Title IX Coordinator Name: _____

Title IX Coordinator Signature: _____

Date of Filing: _____

If, after reviewing your complaint form, the Title IX Coordinator finds that the allegations are not appropriate for a Title IX Sexual Harassment/Discrimination formal complaint process but should be investigated by the District under a different policy or procedure, your formal complaint form will be forwarded to the appropriate District personnel in accordance with District policies.



JOHN L. WILDE
Director for Student Support Services

[INSERT DATE]

As the Title IX Coordinator for McAllen Independent School District, I believe that the information detailed below requires that a formal investigation be conducted and that the Title IX Grievance process be invoked.

[Insert details of allegation and attach any documentation/photographs/evidence]

Sincerely,

John L. Wilde

John L. Wilde
Director for Student Support Services
Title IX Coordinator
McAllen ISD
john.wilde@mcallenisd.net
(956) 618-6031



JOHN L. WILDE
Director for Student Support Services

Date

Mr. and Mrs. John Doe
123 ABC Drive
McAllen, Texas 78501

[Via Hand Delivery or Certified Mail]

Re: Notice to Parties of Title IX Formal Complaint of Sexual Harassment
Case Number:

Dear Mr./Ms. Doe:

This letter is to notify you of the filing of a Formal Complaint of sexual harassment involving your student, (name of student). Sexual harassment is prohibited by and defined in Board Policy FFH (LEGAL) and (LOCAL). The policies and procedures are enclosed for your reference.

The details of the allegations are as follows: [insert name of the parties, details of the allegation including the conduct alleged, and the date and location of the incident or include a copy of the Formal Complaint Form].

The District's Title IX sexual harassment grievance process includes an opportunity to participate in an informal resolution process at any time prior to a determination regarding responsibility. During the grievance process, the filer of the complaint is called the Complainant, and the accused is called the Respondent.

The first step in the grievance process is an investigation. I have appointed _____, Student Support Officer, to serve as investigator, and he will be in contact with you.

Please be aware that, by law, the Respondent is presumed not responsible for the alleged conduct and a determination regarding responsibility is made only at the conclusion of the grievance process by a decision-maker other than the investigator. I have appointed _____, as the decision-maker in this complaint.

You are allowed an advisor to assist you in this process. This may be any adult whom you wish to help you through the process or represent your student. This person may be an attorney but does not have to be. If you would prefer, you may proceed without an advisor. You are also entitled to inspect and review all evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that you can meaningfully respond to the evidence prior to conclusion of the investigation. Additionally, questions or evidence about the Complainant's prior sexual behavior is not allowable unless offered to prove consent or that someone other than the Respondent committed the alleged acts.

It should be noted that providing false statements or submitting false information are violations of the Student Code of Conduct and any party to this investigation determined to have provided false statements or submitted false information will be subjected to additional disciplinary action.

If you have any questions regarding this information, please let me know. Thank you for your cooperation during this grievance process to ensure that our students experience an education environment free from discrimination on the basis of sex.

Sincerely,

John L. Wilde

John L. Wilde
Director for Student Support Services
Title IX Coordinator
McAllen ISD
john.wilde@mcallenisd.net
(956) 618-6031

Enclosures: FFH (LEGAL) & (LOCAL)

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[Date]

[Adult Student Complainant/Parent/Guardian]
[Address]

Re: Title IX Complaint – Response to Sexual Harassment Report
Supportive Measures

Dear **Mr./Ms.** _____:

This letter is to confirm receipt of a report of alleged sexual harassment involving your child. It is our understanding that, at this time, you do not wish to file a Formal Complaint and pursue this matter further. If you change your mind, please contact my office immediately.

Even though you have not filed a Formal Complaint, the District is implementing the following supportive measures for your child, because school board policy FFH prohibits discrimination on the basis of sex, including sexual harassment and other prohibited conduct, against students in all of its educational programs. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, without fee or charge to students, when a report of alleged sexual harassment is made.

Supportive Measures: *(Select only those that apply and provide details. Delete the options below that will not be implemented.)*

- Counseling of students regarding appropriate behavior expectations
- Review of district and code of conduct expectations with students by administrator
- Change of class schedule/lunch schedule/locker location
- Campus/class escort
- Increased school monitoring of [location] for [time period e.g., next 9 weeks]
- School counseling
- Stay away agreement/No contact directives
- Limitation on extracurricular activities
- Training
- Other: _____

The District's goal is for you/your child to feel safe and comfortable on campus. If you have questions about the District's Title IX grievance process or supportive measures, please contact the Title IX Coordinator's Office at **956-618-6031** or **john.wilde@mcallenisd.net**.

Sincerely,

John L. Wilde

John L. Wilde
Director for Student Support Services
Title IX Coordinator
McAllen ISD
john.wilde@mcallenisd.net
(956) 618-6031

Enclosure: FFH(LOCAL)

SUPPORTIVE MEASURES FORM

SUPPORTIVE MEASURES: Please check the Supportive Measures, if any, taken during the course of the investigation to ensure student safety and prevent further potential misconduct:

- ☐ Campus staff was directed to monitor students and report any conduct by a student that could indicate sexual harassment. Date and method of notification to staff: _____
- ☐ Extensions of deadlines or other course related adjustments were offered to:
☐ Complainant ☐ Respondent ☐ Both
- ☐ Modifications of work or class schedules were offered to:
☐ Complainant ☐ Respondent ☐ Both
- ☐ Campus escort services were offered to:
☐ Complainant ☐ Respondent ☐ Both
- ☐ Mutual restrictions on contact between Respondent and Complainant were implemented (The mutual restrictions should be in writing and confirmed by each party with their signature. The written mutual restrictions with confirmations of each party should be attached to this document.)
- ☐ Respondent and Complainant were placed in separate classrooms.
- ☐ Educational conversation explaining in detail the District's anti-sexual harassment policy and Student Code of Conduct expectations
☐ Respondent
- ☐ Permanent schedule change(s) will be made to separate:
☐ Complainant ☐ Respondent ☐ Both
- ☐ A Stay-Away Agreement will be put in place
- ☐ An additional staff monitor will be assigned to supervise the students
- ☐ A staff escort will be assigned to the
☐ Complainant ☐ Respondent ☐ Both
- ☐ Will receive a campus transfer:
☐ Complainant ☐ Respondent ☐ Both
- ☐ Allowing a leave of absence
☐ Complainant ☐ Respondent ☐ Both
- ☐ Other educational services provided/offered to:
☐ Complainant ☐ Respondent ☐ Both
- ☐ Will have an opportunity to make up lost school work:
☐ Complainant ☐ Respondent ☐ Both

- ☐ Counseling options offered/provided to:
 - ☐ Student witnesses ☐ Complainant ☐ Respondent ☐ Both
- ☐ Family Treatment Program
- ☐ Deer Oaks Employee Assistant Program Services
- ☐ Authorization of other appropriate measures designed to help a particular complainant stay in school and on track academically, protect the safety of both parties, or deter sexual harassment
- ☐ Increase security and monitoring of certain areas of campus
- ☐ Separate and assigned seating on bus
 - ☐ Complainant ☐ Respondent ☐ Both
- ☐ Additional staff training is or will be scheduled
- ☐ If an act or threat of violence or assault was an element of this incident, a report was made to the [insert law enforcement division] on [insert date].
- ☐ If child abuse or neglect was involved in the incident, a report was made to CPS via _____ on [insert date]. The reference number for the CPS report is _____.
- ☐ The Complainant and Respondent will be separated at the following times & locations:

- ☐ If Complainant and/or Respondent are involved in the same extracurricular activities or are involved in extracurricular activities that would overlap and require Complainant and Respondent to be present at the same time the following actions will be taken:

- ☐ Other (please describe)

If needed, summarize any follow-up actions taken or needed to address misconduct and prevent further sexual harassment:

Emergency Removal Form

**A Respondent may be removed from the educational environment only after the District makes an individualized safety and risk analysis and determines that an immediate threat, arising from the allegations of sexual harassment, to anyone's physical health or safety justifies removal. This analysis may involve the campus/district threat assessment team. A student who is removed on an emergency basis must be provided with notice and an opportunity to challenge the decision. A student with a disability has rights under the Individuals with Disabilities Education Act and/or Section 504 of the Rehabilitation Act and may not be removed without following the procedural safeguards of those laws.*

Name of Student: _____

Title IX Case No. _____

Current Campus: _____

Nature of Removal (e.g., suspension, ISS, DAEP, expulsion) _____

Reassigned Campus: _____

Timing for Removal: ☐ Semester ☐ Year ☐ Indefinite ☐ Trial Basis ☐ Other

School employees involved in making Emergency Removal Decision:

Basis for Removal: _____

Notice and Opportunity for Student to Challenge Emergency Removal:

[Date]

[Parent/Guardian Name]
[address]

[Via Hand Delivery or Certified Mail RRR]

Re: Dismissal of Allegation of Sexual Harassment

Dear _____,

This Notice of Dismissal is provided to you pursuant to Title IX and the District's policies and procedures. On [insert date] an allegation of sexual harassment was filed by [insert Complainant's name] against [insert Respondent's name].

The details of the allegation are as follows: [insert name of the parties, details of the allegation including the conduct alleged, and the date and location of the incident].

After reviewing the allegation this complaint is dismissed for the following reason:

- ☐ Does not constitute sexual harassment as defined by law and policy;
- ☐ Did not occur in the District's education program or activity;
- ☐ The Complainant was not a person in the United States;
- ☐ The Complainant has, in writing, withdrawn his/her Formal Complaint and any allegations therein;
- ☐ The Respondent is no longer enrolled or employed by the District; or
- ☐ Specific circumstances exist that prevent the District from investigating sufficiently to reach a Determination.
- ☐ The Complainant no longer has any involvement with the District.

Should either the Respondent or the Complainant wish to appeal this dismissal you may do so pursuant to the provisions in Board Policy FFH. If you have any question, please do not hesitate to contact me at **956-618-6031** or **john.wilde@mcallenisd.net**.

Sincerely,

John L. Wilde

John L. Wilde
Director for Student Support Services
Title IX Coordinator
McAllen ISD
john.wilde@mcallenisd.net
(956) 618-6031

Title IX Discrimination Voluntary Informal Resolution Form

Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) is a federal law that prohibits discrimination based on the sex of students or employees in educational institutions that receive federal financial assistance. The McAllen Independent School District prohibits discrimination, including harassment, against any student/employee on the basis of race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of District Policy and is prohibited. If you are a student or employee who believes you have been a victim or witnessed an act of sexual harassment and/or discrimination, fill out the following form and return to the Title IX Designee Administrator at your campus or your department immediately.

CASE INFORMATION (Please Print):

Case Number: _____

Complainant Name: _____

Email: _____

Phone Numbers: (Cell) _____ Campus: _____

Respondent Name: _____

Email: _____

Phone Numbers: (Cell) _____ Campus: _____

Describe Resolution Agreed Upon by the Parties:

Title IX Facilitator

Date

Date

**Name of Student Complainant/Parent/Guardian
Address**

Re: Notice of Title IX Investigative Interview
Case No. _____

Dear Mr. & Ms. Name

As you are aware, the District has received a Formal Complaint alleging sexual harassment involving your son/daughter, name of student. I plan to interview your son/daughter at Time on Date regarding this pending complaint. The interview will occur at Location.

You and/or an advisor for your name of student may accompany him/her to the interview to observe the process. However, your son/daughter will be expected to respond to questions directly. While an advisor may attend the meeting, he/she may not question your son/daughter, others, or the investigator.

You have the right to submit evidence for consideration. You may submit evidence to me via email, flash-drive, or hard-copy. For all evidence you submit, please retain the original and provide only a copy. Include your student's name and the date on all information submitted. Please keep in mind that all evidence may be shared with all parties prior to the issuance of my investigative report.

Before the issuance of my investigative report, you and the other party(ies) will have the opportunity to receive a copy of the evidence and an opportunity to submit a written response on behalf of your student.

If you have any questions regarding the interview, please contact me at **(956) 618-6031** or **[email]**.

Sincerely,

[Name],
McAllen ISD Title IX Investigator

cc: District Title IX Coordinator
Campus Title IX Designee

Title IX Discrimination Complainant Form

Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) is a federal law that prohibits discrimination based on the sex of students in educational institutions that receive federal financial assistance. Students, employees, volunteers, and others may possess information relevant to making a determination of responsibility of a Formal Complaint of sexual harassment. However, no individual can be forced to participate in a Title IX investigation, nor may the district retaliate against any individual for participating in or refusing to participate in a Title IX investigation.

If it is not developmentally appropriate for a student to complete this form, the investigator may interview the student and complete the form based on the student's responses.

PERSONAL INFORMATION (Please Print):

Case Number: _____

Complainant Name: _____

Email: _____

Phone Numbers: (Cell) _____ Work: _____

Student ID: _____ Campus: _____

Employee ID: _____ Job Title: _____

Employee's School/Office Location: _____

Date & Time of the alleged Incident: _____

Does any recording or physical record of this incident exist in your possession? Circle: Yes / No

Have you spoken to anyone else regarding this incident, if so, with whom?

Name: _____ Phone Number: _____

Name: _____ Phone Number: _____

Name: _____ Phone Number: _____

Name: _____ Phone Number: _____

Please describe what happened to you, where it happened and where it occurred. If you did not witness the incident, describe what you were told and when. (Identify: Who, What, When, and Where)

On _____ (date), at approximately _____ (time), when I was _____

(where), this is what happened:

I felt: _____

This is what I did: _____

Please attach additional sheets, if necessary.

I certify the aforementioned is true and correct.

Complainant signature

Date

Time

Statement taken by:

McAllen ISD Title IX Investigator

Date

Time

Title IX Discrimination Witness Form

Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) is a federal law that prohibits discrimination based on the sex of students in educational institutions that receive federal financial assistance. Students, employees, volunteers, and others may possess information relevant to making a determination of responsibility of a Formal Complaint of sexual harassment. However, no individual can be forced to participate in a Title IX investigation, nor may the district retaliate against any individual for participating in or refusing to participate in a Title IX investigation.

If it is not developmentally appropriate for a student to complete this form, the investigator may interview the student and complete the form based on the student's responses.

PERSONAL INFORMATION (Please Print):

Case Number: _____

Witness's Name: _____

Email: _____

Phone Numbers: (Cell) _____ Work: _____

Student ID: _____ Campus: _____

Employee ID: _____ Job Title: _____

Employee's School/Office Location: _____

Date & Time you witnessed the alleged Incident: _____

Does any recording or physical record of this incident exist in your possession? Circle: Yes / No

Have you spoken to anyone else about what you witnessed?

Name: _____ Phone Number: _____

Name: _____ Phone Number: _____

[illegible]

Time

Title IX Discrimination Respondent Right to Respond

Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) is a federal law that prohibits discrimination based on the sex of students in educational institutions that receive federal financial assistance. Students, employees, volunteers, and others may possess information relevant to making a determination of responsibility of a Formal Complaint of sexual harassment. However, no individual can be forced to participate in a Title IX investigation, nor may the district retaliate against any individual for participating in or refusing to participate in a Title IX investigation.

If it is not developmentally appropriate for a student to complete this form, the investigator may interview the student and complete the form based on the student's responses.

PERSONAL INFORMATION (Please Print):

Case Number: _____

Respondent Name: _____

Email: _____

Phone Numbers: (Cell) _____ Work: _____

Student ID: _____ Campus: _____

Employee ID: _____ Job Title: _____

Employee's School/Office Location: _____

Have you spoken to anyone else about this alleged incident?

Name: _____ Phone Number: _____

Name: _____ Phone Number: _____

Name: _____ Phone Number: _____

Name: _____ Phone Number: _____

Respondent Right to Respond to Allegation

On _____ (date), a written statement was obtained from, _____ (name).

Please attach additional sheets, if necessary.

I certify the aforementioned is true and correct.

Respondent signature	Date	Time
----------------------	------	------

Statement taken by:

McAllen Title IX Investigator	Date	Time
-------------------------------	------	------

Date

**Name of Student Complainant/Parent/Guardian
Address**

Re: Opportunity to Respond & Review Evidence of Title IX Complaint – Sexual Harassment
Case No. _____

Dear Mr. & Ms. _____,

Under federal law, we must provide equal opportunity to both parties to inspect and review evidence obtained as part of the sexual harassment investigation.

Enclosed please find the evidence obtained as part of the investigation of sexual harassment involving your son/daughter, (Name of Child) for review.

You may submit a written response within *10 business days of the letter dated* reviewing the evidence. Your written response will be considered before I draft the final investigative report.

It should be noted that providing false statements or submitting false information are violations of the Student Code of Conduct and any party to this investigation determined to have provided false statements or submitted false information will be subject to additional disciplinary action.

Sincerely,

[Name],
McAllen ISD Title IX Investigator

Title IX Evidence of Investigation

Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) is a federal law that prohibits discrimination based on the sex of students in educational institutions that receive federal financial assistance. The Complainant and Respondent are entitled to review a draft of the investigative report and be given the opportunity to submit a written response, before the investigative report is finalized.

A Formal Complaint was filed on [date] by [Name of Complainant or Title IX Coordinator] against (name of respondent). This report contains a summary of the evidence gathered through the District's investigation of the Formal Complaint, as part of the District's Title IX grievance process.

This investigation was conducted by: _____ from [date] to [date].

Allegations

Identify the allegations of potential sexual harassment: _____

Investigation Evidence

Describe the steps taken from the receipt of the Formal Complaint to date:

- *A report of alleged sexual harassment was received by the campus/Title IX Coordinator's office on [date]*
- *The alleged victim was contacted by the Title IX Coordinator's office and provided with information about the grievance process and supportive measures on (date).*
- *A Formal Complaint was filed on [date]*
- *The Title IX Coordinator provided the Complainant and Respondent with written notice of their rights in the grievance process and information about the availability of supportive measures (date)*
- *Campus administration and the Title IX Coordinator made a determination regarding Emergency Removal of the Respondent. [or] The Title IX Coordinator and Human Resources made a determination regarding Administrative Leave for the Respondent (date).*
- *The Investigator sent written notice of interviews and right to an advisor on (date).*
- *The Investigator [add other steps taken during investigation—review of physical evidence, location]*

INVESTIGATION INTERVIEWS:

Date	Time	Location	Person Interviewed	Identity: Witness, Complainant, or Respondent	Summary of Information Obtained (refer to attached statements for more information)

This is a draft investigation report. Both parties involved have *ten (10) business days* from the date of this report to submit questions before a final determination will be made.

McAllen Title IX Investigator

Date



JOHN L. WILDE
Director for Student Support Services

Date

Name of Student Complainant/Parent/Guardian
Address

Re: Draft Investigation Report
Case No. _____

Dear Mr./Ms. _____,

Enclosed please find the draft investigation report in the above referenced Title IX investigation. You may submit a written response to this report to, **[Name of Investigator]**, within *10 business days*. If you feel all the information enclosed is satisfactory, no further action on your part is required.

I will issue my final investigative report after reviewing any written response you submit by the deadline above.

Sincerely,

[Name],
McAllen ISD Title IX Investigator

Title IX Draft Investigation Report

Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) is a federal law that prohibits discrimination based on the sex of students in educational institutions that receive federal financial assistance. The Complainant and Respondent are entitled to review a draft of the investigative report and be given the opportunity to submit a written response, before the investigative report is finalized.

A Formal Complaint was filed on [date] by [Name of Complainant or Title IX Coordinator]. This report contains a summary of the evidence gathered through the District's investigation of the Formal Complaint, as part of the District's Title IX grievance process.

This investigation was conducted by: _____ from [date] to [date]. The parties have been given the opportunity to inspect and review the evidence gathered in this investigation and an opportunity to provide a written response.

Allegations

Identify the allegations potentially constituting sexual harassment: _____

Procedural Steps

Describe the procedural steps taken from the receipt of the Formal Complaint to date:

- *A report of alleged sexual harassment was received by the campus/Title IX Coordinator's office on [date]*
- *The alleged victim was contacted by the Title IX Coordinator's office and provided with information about the grievance process and supportive measures on (date).*
- *A Formal Complaint was filed on [date]*
- *The Title IX Coordinator provided the Complainant and Respondent with written notice of their rights in the grievance process and information about the availability of supportive measures.*
- *The following supportive measures were implemented: _____*
- *Campus administration and the Title IX Coordinator made a determination regarding Emergency Removal of the Respondent. [or] The Title IX Coordinator and Human Resources made a determination regarding Administrative Leave for the Respondent.*
- *The Title IX Coordinator appointed the undersigned to investigate the Formal Complaint. Investigator: _____*
- *The Investigator reviewed the Formal Complaint and relevant district policy and student code of conduct provisions beginning [date].*
- *The Investigator sent written notice of interviews and right to an advisor on [date].*
- *The Investigator interviewed the Complainant on [date].*
- *The Investigator interviewed witnesses provided by Complainant on [dates].*
- *The Investigator interviewed the Respondent on [date].*
- *The Investigator interviewed witnesses provided by the Respondent on [dates].*
- *The Investigator [add other steps taken during investigation—review of physical evidence, location].*
- *The parties were given the opportunity to submit evidence, which was reviewed by the Investigator (date).*

- *The Investigator completed secondary interviews with Complainants, witnesses, additional witnesses, or Respondent. If applicable*
- *The parties were given the opportunity to inspect and review evidence and submit a written response (date letter sent).*
- *The draft investigation report written is being sent to all parties with an opportunity to respond within 10 business days.*

INVESTIGATION INTERVIEWS:

Date	Time	Location	Person Interviewed	Identity: Witness, Complainant, or Respondent	Summary of Information Obtained (refer to attached statements for more information)

Summary of Facts:

- I. Factual information about the parties*
- II. The allegations in the Formal Complaint*
- III. Timeline/dates*
- IV. Relevant sections of board policy and the student of code of conduct*
- V. Whether a CPS report was necessary*
- VI. Whether there is a related criminal/juvenile investigation*
- VII. Evidence from witnesses*
- VIII. Physical or other evidence*

This is a draft investigation report. Both parties involved have ten (10) calendar days from the date of this report to submit questions before a final determination will be made.

McAllen ISD Title IX Investigator

Date



JOHN L. WILDE
Director for Student Support Services

Date

**Name of Student Complainant/Parent/Guardian
Address**

Re: Final Investigation Report
Case No. _____

Dear Mr./Ms. _____,

Enclosed please find the final investigation report in the above referenced Title IX investigation. You may submit a written response to this report to **[Name of Decision Maker]**, who will serve as the Decision Maker in this complaint, at **[email]**, within *10 business days*. You may also submit written, relevant questions that you would like asked of a party or witness to the Decision Maker. If you feel all the information enclosed is satisfactory, no further action on your part is required.

Sincerely,

[Name],
McAllen ISD Title IX Investigator

Title IX Final Investigation Report

Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) is a federal law that prohibits discrimination based on the sex of students in educational institutions that receive federal financial assistance. The Complainant and Respondent may submit relevant questions that they would like asked of a party or witness to the Decision Maker.

A Formal Complaint was filed on [date] by [Name of Complainant or Title IX Coordinator]. This report contains a summary of the evidence gathered through the District's investigation of the Formal Complaint, as part of the District's Title IX grievance process.

This investigation was conducted by: _____ from [date] to [date]. The parties have been given the opportunity to inspect and review the evidence gathered in this investigation and an opportunity to provide a written response.

Allegations

Identify the allegations potentially constituting sexual harassment: _____

Procedural Steps

Describe the procedural steps taken from the receipt of the Formal Complaint to date:

- *A report of alleged sexual harassment was received by the campus/Title IX Coordinator's office on [date]*
- *The alleged victim was contacted by the Title IX Coordinator's office and provided with information about the grievance process and supportive measures*
- *A Formal Complaint was filed on [date]*
- *The Title IX Coordinator provided the Complainant and Respondent with written notice of their rights in the grievance process and information about the availability of supportive measures.*
- *The following supportive measures were implemented: _____*
- *Campus administration and the Title IX Coordinator made a determination regarding Emergency Removal of the Respondent. [or] The Title IX Coordinator and Human Resources made a determination regarding Administrative Leave for the Respondent.*
- *The Title IX Coordinator appointed the undersigned to investigate the Formal Complaint. Investigator.*
- *The Investigator reviewed the Formal Complaint and relevant district policy and student code of conduct provisions beginning [date].*
- *The Investigator sent written notice of interviews and right to an advisor on [date].*
- *The Investigator [add other steps taken during investigation—review of physical evidence, location].*
- *The parties were given the opportunity to submit evidence, which was reviewed by the Investigator (date of letter).*
- *The Investigator completed secondary interviews with Complainants, witnesses, additional witnesses, or Respondent. If applicable*
- *The parties were given the opportunity to inspect and review evidence and submit a written response (date of response received).*
- *The draft investigation report written was sent to all parties with an opportunity to respond within 10 business days.*
- *The parties did/did not submit written responses that were considered by the Investigator.*

INVESTIGATION INTERVIEWS:

Date	Time	Location	Person Interviewed	Identity: Witness, Complainant, or Respondent	Summary of Information Obtained (refer to attached statements for more information)

Findings of Facts:

- I. Factual information about the parties*
- II. The allegations in the Formal Complaint*
- III. Timeline/dates*
- IV. Relevant sections of board policy and the student of code of conduct*
- V. Whether a CPS report was necessary*
- VI. Whether there is a related criminal/juvenile investigation*
- VII. Evidence from witnesses*
- VIII. Physical or other evidence*
- IX. Consideration of written responses to draft investigative report.*

This is the final investigative report in this matter. The Decision Maker will allow the parties to submit relevant questions for the other party(ies) or witnesses before making a determination of responsibility for sexual harassment.

McAllen ISD Title IX Investigator

Date



JOHN J. CAVAZOS, Director for Human Resources

[Date]

[Adult Student Complainant/Parent/Guardian]

[Address]

Re: Receipt of Title IX Investigation
Case No. _____

Dear Mr./Ms. _____:

This letter is to inform you that I have received the completed Title IX investigation from Mr. _____, Investigator. If you have additional questions you wish to be asked to the other party, you may submit them to my office no later than ten (10) business days from the date of this letter. If you submit questions, I will review the questions and determine if they are relevant to the investigation. If you do not submit additional questions, I will render my decision based on the results of the investigation.

If you have any further questions, please contact my office at 618-6009.

Sincerely,

[Name],
Title IX Decision Maker

HUMAN RESOURCES

2200 TAMARACK ▪ McALLEN, TEXAS 78501 ▪ (956) 618-6005 ▪ FAX (956) 618-4193

The McAllen Independent School District prohibits discrimination, including harassment, against any employee/student on the basis of race, color, religion, gender, national origin, age, disability, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of District Policy and is prohibited. McAllen ISD is an equal opportunity provider. The following person has been designated to handle inquiries regarding this subject: John L. Wilde, john.wilde@mcallenisd.net, Director for Student Support Services, Title IX Coordinator (Students and Employees), 2200 Tamarack Ave. Portable 69, McAllen, TX - 78501 (956) 618-6031

Title IX Determination of Responsibility
Sexual Harassment Decision

Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) is a federal law that prohibits discrimination based on the sex of students in educational institutions that receive federal financial assistance. This decision must be issued simultaneously to the Complainant and Respondent.

CASE INFORMATION (Please Print):

Case Number: _____

Complainant: _____

Campus: _____

Respondent: _____

Campus: _____

Type of Complaint:

Discrimination based on: (Check all that apply)

- ☐ Sexual Harassment ☐ Sexual Assault ☐ Gender Based Harassment ☐ Dating Violence ☐ Stalking ☐ Retaliation
☐ Cyber Bullying ☐ Other

Nature of Allegations:

- ☐ A school employee conditioning an educational benefit or service upon a student's participation in sexual conduct
- ☐ 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 programs or activities
- ☐ Sexual assault, dating violence, domestic violence, or stalking (as those offenses are defined in the Clery Act, 20 U.S.C. § 1092(f), and the Violence Against Women Act, 34 U.S.C. § 12291(a))

Specific Allegations

Identify the allegations potentially constituting sexual harassment: _____

Procedural Steps

Describe the procedural steps taken from the receipt of the Formal Complaint to date:

- *A report of alleged sexual harassment was received by the campus/Title IX Coordinator's office on [date]*
- *The alleged victim was contacted by the Title IX Coordinator's office and provided with information about the grievance process and supportive measures*
- *A Formal Complaint was filed on [date]*
- *The Title IX Coordinator provided the Complainant and Respondent with written notice of their rights in the grievance process and information about the availability of supportive measures.*
- *Campus administration and the Title IX Coordinator made a determination regarding Emergency Removal of the Respondent. [or] The Title IX Coordinator and Human Resources made a determination regarding Administrative Leave for the Respondent.*
- *The Title IX Coordinator appointed the undersigned to investigate the Formal Complaint. Investigator.*
- *The Investigator reviewed the Formal Complaint and relevant district policy and student code of conduct provisions beginning [date].*

HUMAN RESOURCES

2200 TAMARACK ▪ McALLEN, TEXAS 78501 ▪ (956) 618-6009 ▪ FAX (956) 618-4193

The McAllen Independent School District prohibits discrimination, including harassment, against any employee/student on the basis of race, color, religion, gender, national origin, age, disability, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of District Policy and is prohibited. McAllen ISD is an equal opportunity provider. The following person has been designated to handle inquiries regarding this subject: John L. Wilde, john.wilde@mcallsisd.net, Director for Student Support Services, Title IX Coordinator (Students and Employees), 2200 Tamarack Ave. Portable 69, McAllen, TX - 78501 (956) 618-6031

- *The Investigator sent written notice of interviews and right to an advisor on [date].*
- *The Investigator interviewed the Complainant on [date].*
- *The Investigator interviewed witnesses provided by Complainant on [dates].*
- *The Investigator interviewed the Respondent on [date].*
- *The Investigator interviewed witnesses provided by the Respondent on [dates].*
- *The Investigator [add other steps taken during investigation—review of physical evidence, location].*
- *The parties were given the opportunity to submit evidence, which was reviewed by the Investigator.*
- *The Investigator completed secondary interviews with Complainants, witnesses, additional witnesses, or Respondent.*
- *The parties were given the opportunity to inspect and review evidence and submit a written response.*
- *The draft investigation report written was sent to all parties with an opportunity to respond within 10 business days.*
- *The parties did/did not submit written responses that were considered by the Investigator.*

Findings of Facts

- I. *Factual information about the parties*
- II. *The allegations in the Formal Complaint*
- III. *Timeline/dates*
- IV. *Relevant sections of board policy and the student of code of conduct*
- V. *Whether a CPS report was necessary*
- VI. *Whether there is a related criminal/juvenile investigation*
- VII. *Evidence from witnesses*
- VIII. *Physical or other evidence*
- IX. *Consideration of written responses to draft investigative report.*

Conclusion regarding the Code of Conduct and Rationale

Based on a preponderance of the evidence [or beyond a reasonable doubt, depending on the burden of proof selected by the district in its regulations], it is determined that:

- I. Allegation 1 [Fully listed]
 - a. The Respondent has been determined to have/have not engaged in sexual harassment or other prohibited conduct under the district's FFH policy and/or student code of conduct....
 - b. The reasoning for the finding. . .
- II. Allegation 2 [Fully listed]
 - a. The Respondent has been determined to have/have not engaged in sexual harassment or other prohibited conduct under the district's FFH policy and/or student code of conduct....
 - b. The reasoning for the finding. . .
- III. Allegation 3 [Fully listed]
 - a. The Respondent has been determined to have/have not engaged in sexual harassment or other prohibited conduct under the district's FFH policy and/or student code of conduct....
 - b. The reasoning for the finding. . .

Remedies Provided

Disciplinary Sanctions

The following disciplinary sanctions are to be imposed upon the Respondent:

- Sanction 1
- Sanction 2
- Etc.
-

Supportive Measures to Complaint: (Select only those that apply and provide details. Delete the options below that will not be implemented.)

- ☐ Counseling of students regarding appropriate behavior expectations
- ☐ Review of district and code of conduct expectations with students by administrator
- ☐ Change of class schedule/lunch schedule/locker location
- ☐ Campus/class escort
- ☐ Increased school monitoring of [location] for [time period e.g., next 9 weeks]

The McAllen Independent School District prohibits discrimination, including harassment, against any employee/student on the basis of race, color, religion, gender, national origin, age, disability, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of District Policy and is prohibited. McAllen ISD is an equal opportunity provider. The following person has been designated to handle inquiries regarding this subject: John L. Wilde, john.wilde@mcallenisd.net, Director for Student Support Services, Title IX Coordinator (Students and Employees), 2200 Tamarack Ave. Portable 69, McAllen, TX - 78501 (956) 618-6031

- ☐ School counseling
- ☐ Stay away agreement/No contact directives
- ☐ Limitation on extracurricular activities
- ☐ Training
- ☐ Other: _____

Supportive Measures to Respondent: (Select only those that apply and provide details. Delete the options below that will not be implemented.)

- ☐ Counseling of students regarding appropriate behavior expectations
- ☐ Review of district and code of conduct expectations with students by administrator
- ☐ Change of class schedule/lunch schedule/locker location
- ☐ Campus/class escort
- ☐ Increased school monitoring of [location] for [time period e.g., next 9 weeks]
- ☐ School counseling
- ☐ Stay away agreement/No contact directives
- ☐ Limitation on extracurricular activities
- ☐ Training
- ☐ Other: _____

The remedies and measures listed above are designed to restore or preserve equal access to the district's educational programs.

Appeal

Either party may appeal this determination of responsibility on a form provided by the District within 10 business days of issuance of this decision. The only allowable bases for appeal are:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time of the decision that could affect the outcome; and
3. The Title IX Coordinator, Investigator(s), or Decision Maker has a conflict of interest or bias for or against Complainants or Respondents.

Name
Title IX Decision Maker

Date

cc: Title IX Coordinator



JOHN J. CAVAZOS, Director for Human Resources

[Date]

[Adult Student Complainant/Parent/Guardian]

[Address]

Re: Exclusion of Questions Submitted
Case No. _____

Dear Mr./Ms. _____:

This letter is regarding the questions you submitted in response to the Investigative Report. Questions must be relevant to the allegations. Moreover, Title IX regulations do not allow questions about a party's sexual predisposition or prior sexual behavior, unless the evidence is needed to establish that someone other than the Respondent committed the alleged conduct or to provide consent.

The following question(s) will not be submitted to the other party for the following reasons:

- **[Insert Question Here].** The question has been excluded because it is not relevant to the allegations, does not relate to the merits of this case, and is not likely to produce evidence that will help me make a determination of responsibility in this complaint.
- **[Insert Question Here].** The question poses an impermissible inquiry about the party's sexual predisposition or past sexual behavior that does not meet an exception listed above.

Sincerely,

[Name],

Title IX Decision Maker

HUMAN RESOURCES

2200 TAMARACK ▪ McALLEN, TEXAS 78501 ▪ (956) 618-6009 ▪ FAX (956) 618-4193

The McAllen Independent School District prohibits discrimination, including harassment, against any employee/student on the basis of race, color, religion, gender, national origin, age, disability, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of District Policy and is prohibited. McAllen ISD is an equal opportunity provider. The following person has been designated to handle inquiries regarding this subject: John L. Wilde, john.wilde@mcallenisd.net, Director for Student Support Services, Title IX Coordinator (Students and Employees), 2200 Tamarack Ave. Portable 69, McAllen, TX - 78501 (956) 618-6031

Title IX Decision Appeal Form

Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) is a federal law that prohibits discrimination based on the sex of students in educational institutions that receive federal financial assistance. Either party may appeal the determination of responsibility under the district's Title IX grievance process by filing an appeal within 10 business days of the date of the decision on this form. The other party will be provided a copy of this appeal.

APPEAL REQUESTER'S INFORMATION (Please Print):

Case Number: _____

Name: _____

Date of Title IX Decision: _____

Basis for Appeal:

- ☐ Procedural irregularity that affected the outcome of the matter;
- ☐ New evidence that was not reasonably available at the time of the decision that could affect the outcome; and
- ☐ The Title IX Coordinator, Investigator(s), or Decision Maker has a conflict of interest or bias for or against Complainants or Respondents.

Please describe the basis for your appeal.

Your signature

Date

This appeal must be submitted to the Title IX Coordinator within 10 business days. Once an appeal is received, the other party will be notified and provided with an opportunity submit a written response within five calendar days. An administrator who was not the Investigator, Title IX Coordinator, or Decision Maker will make a decision on the appeal. Both parties will be notified of the outcome.

***This notice must be sent to a party when the other party has filed an appeal of the determination of responsibility.**

[Date]

[Adult Student Complainant/Parent/Guardian]

[Address]

Re: Notice of Appeal of Determination of Responsibility
Case No. _____

The Complainant/Respondent in the above referenced matter filed an appeal of the Decision Maker's determination of responsibility. A copy of the appeal is enclosed. You may, but are not required to, submit a written statement in support of or challenging the appeal. If you would like to submit a response, please do so no later than **[date]**. Please send this statement via mail to 2200 Tamarack Ave. Portable 69, McAllen, TX 78501 or email to the Title IX Coordinator at john.wilde@mcallenisd.net, who will provide the statement to the administrator who will issue a final decision.

Sincerely,

John L. Wilde

John L. Wilde
Director for Student Support Services
Title IX Coordinator
McAllen ISD
john.wilde@mcallenisd.net
(956) 618-6031



TODD MILLER
Assistant Superintendent for Human Resources

[Date]

[Parent/Guardian Name]
[address]

[Via Hand Delivery or Certified Mail RRR]

Re: Dismissal of Appeal of Formal Complaint of Sexual Harassment

Dear _____,

This Notice of Dismissal is provided to you pursuant to Title IX and the District's policies and procedures. On [insert date] an allegation of sexual harassment was filed by [insert Complainant's name] against [insert Respondent's name] and a determination was issued on [insert date] and an appeal was filed on [insert date].

The appeal of the determination issued in the Formal Complaint of Sexual Harassment is rejected because there was no cause as the appeal is not based on:

- ☐ A 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, that could affect the outcome of the matter; or
- ☐ The Title IX Coordinator, Investigator, or Decision Maker had a conflict of interest or bias for or against complainants and respondents general or this Complainant or Respondent specifically that affected the outcome of this matter.

Should either the Respondent or the Complainant have any questions, please do not hesitate to contact me.

Respectfully,

A handwritten signature in black ink that reads "Todd Miller".

Todd Miller
Assistant Superintendent for Human Resources
McAllen Independent School District

cc: John L. Wilde, Director for Student Support Services

HUMAN RESOURCES

2200 TAMARACK ▪ McALLEN, TEXAS 78501 ▪ (956) 618-6009 ▪ FAX (956) 618-4193

The McAllen Independent School District prohibits discrimination, including harassment, against any employee/student on the basis of race, color, religion, gender, national origin, age, disability, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of District Policy and is prohibited. McAllen ISD is an equal opportunity provider. The following person has been designated to handle inquiries regarding this subject: John L. Wilde, john.wilde@mcallenisd.net, Director for Student Support Services, Title IX Coordinator (Students and Employees), 2200 Tamarack Ave. Portable 69, McAllen, TX - 78501 (956) 618-6031



TODD MILLER
Assistant Superintendent for Human Resources

Title IX Discrimination Appeal Decision

Title IX of the education Amendments of 1972 (20 U.S.C. § 1681) is an all-encompassing federal law that prohibits discrimination based on the gender of students and employees of educational institutions which receive federal financial assistance.

APPEAL REQUESTER'S INFORMATION (Please Print):

Case Number: _____

Complainant's Name: _____

Email: _____

Home Address _____

City _____ State _____ Zip code _____

Phone Numbers: (Cell) _____ Work _____

Employee ID: _____ Job Title: _____

Employee's School/Office Location: _____

Appeal Basis:

Appeal was based on: (Check all that apply)

☐ Procedural Error ☐ Substantive Error ☐ New Information ☐ Other

After carefully considering the submitted appeal attached to this page, there **will/will not** be a change in the decision made by the District. If there is a change of decision, a new decision form will be attached to the back of this page. This is the final decision regarding this complaint, and the District will consider this investigation to be finished. Records from this investigation and decision will be kept by the district for seven (7) years.

[Name]
Title IX Appeal Decision-Maker

Date

HUMAN RESOURCES

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Title IX Record Keeping Cover Sheet

*All records related to a report of sexual harassment must be kept for a period of seven (7) years from the date of conclusion of the grievance process.

Date of Initial Complaint: _____

Date of Final Decision: _____

- ☐ Initial Intake Report
- ☐ Response to Sexual Harassment Report – Supportive Measures
- ☐ Formal Complaint, if any
- ☐ Notice to Parties
- ☐ Emergency Removal, if applicable
- ☐ Administrative Leave – Personnel, if applicable
- ☐ Informal Resolution Paperwork
- ☐ Notices to Parties of Interviews
- ☐ Evidence Submitted to Parties, including witness statements, photographs, electronic communications
- ☐ Draft Investigative Report and Notice of Opportunity to Submit Response Sent to Parties
- ☐ Final Investigation Report
- ☐ Notice of Opportunity to Submit Questions
- ☐ Questions Submitted and Answers
- ☐ Determination of Responsibility
- ☐ Documentation of Supportive and Other Measures Imposed After Determination of Responsibility
- ☐ Appeals Documentation, if any
- ☐ Decision on Appeal

* The Title IX Coordinator must also retain copies of materials used to train the Title IX Coordinator, investigators, decision makers, and facilitators for seven (7) years.