



## **Title IX Grievance and Investigation Guide**

### **Title IX Defined**

Title IX protects people from discrimination based on sex in education programs or activities that receive federal financial assistance.

### **The Investigation Procedures**

Title IX investigations are carried out similarly to any other. There are two possible processes.

The first is an informal process, where involved parties resolve their issues through mediation and supportive measures determined by the Title IX Coordinator.

The second is a formal investigation process as follows:

- Supportive measures offered to all parties
- Formal complaint signed by Title IX Coordinator, Complainant, or Parent/Guardian and given to the assigned investigator
- Notice to involved parties
- Investigation
- Resolution determined and parties notified of outcome
- Possible appeal

Each phase requires time and effort, but the Title IX investigator must be prompt in initiating the investigation. Unfortunately, the law does not specifically define the term “prompt”.

### **Supportive Measure**

Supportive measures are individualized services to restore or preserve equal access to education, protect student and employee safety, or deter sexual harassment. Supportive measures must be offered even if a complainant does not wish to initiate or participate in a grievance process.

### **Notice to Involved Parties**

The Title IX Office, consisting of the coordinator and other personnel, must notify the involved parties that a complaint exists and an investigation will begin.

The notice will include information about the investigation process, the allegations at hand, the complainants and respondent's rights, the policy that alleged behavior violates and contact information for the investigator.



### **Investigation**

If it is determined that a formal investigation is necessary the appropriate Title IX personnel will proceed with the investigation and gather information related to the allegations, including but not limited to documents, files, audio recordings and video recordings, social media posts, cell phone records, etc. In addition, interviews will be conducted with both the complainant and respondent, as well as any potential witnesses.

### **Resolution Determined and Parties Notified of Outcome**

After the investigation is completed, a final investigation report summarizing relevant evidence must be sent to each party, for the parties review and written response including a written question and answer period between the parties to be facilitated by the decision-maker. The decision-maker will review the investigative report, all responses from the question and answer period, and determine if a violation has occurred.

After the outcome is finalized, a determination is sent with the outcome to both parties. This notice will include information about the outcome, reasons supporting the determination and depending on the conclusion, the next steps in the Title IX process including possible remediation.

Notwithstanding a temporary delay of the grievance procedure, the written determination shall be provided within sixty calendar days from the receipt of the Complaint. This does not include the appeal process.

### **Possible Appeal**

After notifying the complainant and respondent of the outcome, either or both parties may appeal the decision and request an administrative review, within 10 days of notice for the following reasons only:

- There was a procedural error in the hearing process that materially affected the outcome (Procedural error refers to alleged deviations from school district policy, and not challenges to policies or procedures themselves);
- There is new evidence that was not reasonably available at the time of the hearing and that could have affected the outcome;
- The decision-maker had a conflict of interest or bias that affected the outcome;
- The determination regarding the policy violation was unreasonable based on the evidence before the decision-maker (Appealing on this basis is available only to a party who participated in the hearing); and
- The sanctions were disproportionate to the hearing officer's findings.

In this situation, a higher level of management will review the investigation process, the information gathered and the conclusion. This person will then issue a written decision that explains the outcome of the review.

If there is no appeal, and the allegations are true, the decision-maker will determine a sanction



for the perpetrator. Under the Clery Act, the Title IX Coordinator must advise victims of counseling resources, support services and the option to pass the incident on to local law enforcement.

### **Rights of Complainant and Respondent**

Throughout this process, both the complainant and respondent have the following rights:

- To be treated with respect by District officials
- To take advantage of support resources, such as mental health services, special services, health services, etc.
- To experience a safe education and work environment
- To have an advisor during an adjudication process
- To refuse to have an allegation resolved through conflict resolution procedures
- To be free of retaliation
- To have complaints heard in substantial accordance with procedures
- To fully participate in any process whether the injured party is serving as the complainant or the institution is serving as complainant
- To be informed in writing of the outcome/resolution of the complaint, any sanctions imposed, and the rationale for the outcome, when permissible.

### **Requirements of New Jersey's Anti-Bullying Bill of Rights Act**

Any time a report is made to the Title IX Coordinator or formal complaint is filed pursuant to Policy and Regulation 5751 and in accordance with 34 CFR §106, the Title IX Coordinator shall forward the report or complaint to the Principal of the school building attended by the alleged victim for the Principal to follow the requirements of New Jersey's Anti-Bullying Bill of Rights Act and Policy 5512.