

**MODEL 2024 TITLE IX NOTICE OF DISMISSAL
OF COMPLAINT OR ALLEGATION(S)**

- *A Complaint only can be dismissed for reasons set forth in the Title IX regulations and the District’s policies/procedures.*
- *The dismissal may be of the entire Complaint or certain allegations therein.*
- *Notice of the dismissal must be sent promptly to the Complainant and simultaneously to the Respondent if the dismissal occurs after the Respondent has been notified of the allegations.*
- *The notice must set forth the reason(s) for dismissal and include notice of the right to appeal the dismissal.*
- *Note: The Title IX regulations do not specify how notice must be provided. We recommend written notice. PRESS sample policy 2:265 and the corresponding administrative procedures specify that the notice must be in writing.*

[PLACE ON DISTRICT LETTERHEAD]

[Insert Date]

[Insert Name, Address, Email Address]

Re: Notification of Dismissal of Title IX Complaint [OR] Notification of Dismissal of Certain Allegations in the Title IX Complaint]

Dear *[Name(s)]*:

This letter is to inform you the District dismissed the Complaint in this matter. ***[OR] This letter is to inform you the District dismissed the following allegations in the Complaint: [identify the allegations being dismissed].]***

The Complaint was dismissed for the following reason(s): ***[describe the basis/reason(s) for the dismissal]. [OR] The following allegation(s) in the Complaint has/have been dismissed for the following reason(s): [describe the reason(s) for dismissal].]***

[Complaints can be dismissed only for specific reasons set forth in the Title IX regulations and the District’s policies/procedures. 34 C.F.R. 106.45(d)(1)(i)-(iv):

- (1) District is unable to identify the Respondent after taking reasonable steps to do so;***
- (2) Respondent is not participating in the District’s education program or activity, and is not employed by the District;***
- (3) Complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the Title IX Coordinator determines any remaining allegations would not constitute Title IX sex discrimination even if proven;***

(4) Title IX Coordinator determines the alleged conduct, even if proven, would not constitute Title IX sex discrimination; prior to dismissing the Complaint for this reason, the Title IX Coordinator must make reasonable efforts to clarify the allegations with Complainant.

[We recommend that if dismissing the Complaint, or dismissing certain allegations in the Complaint, under Title IX, but the District is still proceeding with an investigation pursuant to another Board Policy/State law (e.g., 2:260 UGP; 7:20 harassment/discrimination; 7:180 bullying; 7:190 misconduct), that information should be included in this Notice so that the Complainant and Respondent know that an investigation is still moving forward, even if not pursuant to the Title IX Grievance Process. For example:] The District will investigate the dismissed Complaint ***[OR the above-identified allegations dismissed from the Complaint]*** pursuant to ***[insert applicable Board policy]***. ***[Insert name, title]*** will contact you regarding next steps for that investigation.

To appeal the dismissal of the Complaint ***[OR the above-identified allegation(s) in the Complaint]***, you must submit a written request to the Title IX Coordinator, ***[name]***, at ***[contact information]***, within ***[insert number of days; if using PRESS 2:265-AP2, it is 5 school business days]*** after receiving this notification. An appeal can be filed for only the following reasons: (1) a procedural irregularity that would change the outcome; (2) new evidence that would change the outcome and that was not reasonably available when the determination whether sex-based harassment occurred or dismissal was made; or (3) the Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that would change the outcome. ***[The District may offer appeals on additional bases, so long as they are offered equally to both parties. If the Board/District allows appeals on additional bases, include those with the three reasons listed here.]*** If you fail to submit a written request appealing the dismissal of the Complaint ***[OR the above-identified allegation(s) in the Complaint]*** within the specified timeframe, it shall be considered a waiver of your right to an appeal.

Upon receiving a written request to appeal the dismissal of the Complaint ***[OR the above-identified allegation(s) in the Complaint]***, the Title IX Coordinator will notify the parties in writing that an appeal has been filed. Both parties will have ***[insert number of days; if using PRESS 2:265-AP2, it is 5 school business days]*** to submit to the Title IX Coordinator a written statement and/or new evidence in support of, or challenging, the outcome. Then, the Title IX Coordinator will forward all materials relative to the appeal to the Appeal Decisionmaker. The Appeal Decisionmaker will consider all of the materials and make a decision within ***[insert number of days; if using PRESS 2:265-AP2 it is 30 school business days]*** and will issue its written decision to both parties within ***[insert number of days; if using PRESS 2:265-AP2 it is 5 school business days]***.

If you have any questions regarding this matter, please contact me at ***[contact information]***.

Sincerely,

[Name]
Title IX Coordinator