

2024 TITLE IX GRIEVANCE PROCESS CHECKLIST

This Checklist is to serve as a guide for and to support documentation of the District’s response, investigation, and determination regarding sex discrimination allegations as defined in and prohibited by Title IX of the *Education Amendments of 1972* and its implementing regulations (34 C.F.R. Part 106) and Board Policy 2:265, *Title IX Grievance Process*. This Checklist should be used in conjunction with Board Policy 2:265 and its corresponding administrative procedures: 2:265-AP1, *Title IX Response*, and 2:265-AP2, *Formal Title IX Complaint Grievance Process*.

I. REPORT OF SEX DISCRIMINATION ALLEGATION(S)

See Ex. 1, HLERK Model 2024 Title IX Reporting Form.

Name of Reporter: _____ **Date of Report:** _____

Report may be made anonymously.

Student Parent/Guardian Staff Other (please specify): _____

If a student, specify school and grade: _____

If a parent/guardian or other, provide contact information: _____

Is the reporter also the victim (Complainant) of the alleged conduct? Yes No

If no, identify the Complainant: _____

Student Staff Other (please specify): _____

If a student, specify school and grade: _____

Does the student have an IEP or Section 504 Plan? Yes No

If other, provide contact information: _____

Person accused of the alleged conduct (Respondent): _____

Student Staff Other (please specify): _____

If a student, specify school and grade: _____

Does the student have an IEP or Section 504 Plan? Yes No

If other, provide contact information: _____

Name/title of person who received the report: _____

Date Title IX Coordinator notified: _____

Was a report made to DCFS? Yes No

If yes, name and date of person making report: _____

Was a report made to law enforcement? Yes No

If yes, name and date of person making report: _____

II. SUPPORTIVE MEASURES

Document supportive measures offered and provided to Complainant and Respondent, and when each party was notified of the Title IX Grievance Process. Supportive measures include but are not limited to school social work, deadline extensions or other course adjustments, schedule changes, escort, increased supervision, contact restrictions, changes in work locations, leaves of absence, etc. If Complainant and/or Respondent is a special ed student, consult with one or more members of IEP/504 team to determine how to comply with IDEA/Section 504 in the implementation of supportive measures.

Complainant

Supportive measures must be offered to Complainant upon the Title IX Coordinator being notified of conduct that reasonably may constitute sex discrimination.

Date(s) Title IX Coordinator contacted and met with Complainant: _____

Supportive Measures Offered to and Requested by Complainant: _____

Did Complainant accept supportive measures? Yes No **Certain Ones (list)**

Document plan for implementing Complainant supportive measures: _____

Date Title IX Coordinator informed Complainant of the Title IX Grievance Process, including the process for filing a Complaint: _____

Copy of the District's Grievance Process Provided? Yes No

Date Title IX Coordinator consulted with IEP/504 Team (if applicable): _____

Respondent

Supportive measures must be offered to Respondent when the District has initiated the Title IX Grievance Process or has offered Respondent an informal resolution process.

Date(s) Title IX Coordinator contacted and met with Respondent: _____

Supportive Measures Offered to and Requested by Respondent: _____

Did Respondent accept supportive measures? Yes No Certain Ones (list)

Document plan for implementing Respondent supportive measures: _____

Date Title IX Coordinator informed Respondent of the Title IX Grievance Process: _____

Copy of the District's Grievance Process Provided? Yes No

Date Title IX Coordinator consulted with IEP/504 Team (if applicable): _____

Supportive Measures Review

The District must provide Complainant and Respondent with a timely opportunity to seek modification or reversal of a decision to provide, deny, modify, or terminate supportive measures from an appropriate and impartial employee. If more than one request for review is received during the Title IX Grievance Process, document on additional pages.

Date request for supportive measures review received: _____

Request for review from: Complainant Respondent

Summary of supportive measures request for review: _____

Name/title of impartial employee: _____

Date impartial employee identified/review initiated: _____

Date impartial employee decision to requesting party and Title IX Coordinator, and summary of decision: _____

III. COMPLAINT

See Ex. 2, HLERK Model 2024 Title IX Complaint Form.

Was a Complaint filed?

No. *Investigation of sex discrimination allegation(s) pursuant to Title IX ends. Further response and investigation may be required another applicable District policy or procedure.*

Yes, Complainant filed a Complaint on date: _____

_____ *For sex discrimination other than sex-based harassment, a Complaint also can be filed by any student or employee, or any person who was participating or attempting to participate in the District's education program or activity at the time of the alleged sex discrimination. In this case, identify the individual who filed the Complaint and also the Complainant (alleged victim).*

Yes, Title IX Coordinator signed a Formal Complaint on date: _____

For a Complaint, identify the Investigator/Decisionmaker:

Title IX Coordinator **Other** (name, position): _____

Date assigned: _____

IV. COMPLAINT NOTIFICATION

Written notice of the Complaint must be sent to all known parties. See Ex. 3, HLERK Model 2024 Title IX Notice of Complaint. If Complainant and/or Respondent is a special ed student, consult with one or more members of IEP/504 team to determine how to comply with IDEA/Section 504 throughout the Grievance Process.

Notification to Complainant: **Yes** **No** **Date:** _____

Notification to Respondent: **Yes** **No** **Date:** _____

Date Title IX Coordinator consulted with IEP/504 Team (if applicable):

For Complainant: _____ or **not applicable**

For Respondent: _____ or **not applicable**

Additional notification to all parties required if:

- Additional allegations are later added;
- Identity of a previously unknown Complainant or Respondent is discovered; or
- Consolidation of Formal Complaints occurs.

Additional Notification to Complainant: Yes No Date: _____

Reason: _____

Additional Notification to Respondent: Yes No Date: _____

Reason: _____

V. EMERGENCY REMOVAL OF RESPONDENT

*A Respondent may be removed from school on an emergency basis, provided the District undertakes an individualized safety and risk analysis, determines that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons exists arising from the allegations of sex discrimination, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. If the Respondent is a student, an emergency removal must be consistent with the District’s student discipline policies and procedures and the requirements set forth in applicable law, including 105 ILCS 5/10-22.6. If the Respondent is a student with a disability, an emergency removal may be a change in placement and must be consistent with IDEA/Section 504. See **HLERK Model Student Discipline Notification Letters and HLERK Model Student Discipline Checklist**. If the Respondent is an employee, any emergency removal must be consistent with the District’s employee suspension policies and procedures; applicable collective bargaining agreements, if any; and the requirements set forth in applicable law.*

Individualized safety and risk analysis conducted? Yes No

Imminent and serious threat to health or safety of Complainant or others? Yes No

Emergency Removal of Respondent: Yes No

If yes, date(s) of notification to Respondent: _____

Specify type of Emergency Removal: _____

Respondent challenge emergency removal? Yes No Date: _____

Outcome: _____

VI. DISMISSAL OF COMPLAINT

Written notice of the dismissal of the Complaint, or of certain allegations in the Complaint, must be sent to the Complainant, and simultaneously to the Respondent if 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. See Ex. 4, HLERK Model 2024 Title IX Notice of Dismissal.

Dismissing Complaint or Allegations in Complaint? Yes No

If certain allegations, identify: _____

Notification to Complainant: Yes No **Date:** _____
Supportive measures continued (document any changes): Yes No

Notification to Respondent: Yes No **Date:** _____
Supportive measures continued (document any changes): Yes No

VII. INFORMAL RESOLUTION PROCESS AND NOTICE

At any time prior to determining whether sex discrimination occurred under the Title IX Grievance Process, the District may facilitate informal resolution of the Complaint. The District has discretion to decide when it is appropriate to offer informal resolution; except it is prohibited when there are allegations that an employee sexually harassed a student. Voluntary, written consent of the parties is required to participate in the informal resolution process. See Ex. 5, HLERK Model 2024 Title IX Notice of Informal Resolution Process.

Date request for Informal Resolution received: _____

Request for Informal Resolution from: Complainant Respondent

If Informal Resolution determined not to be appropriate, document the reason(s) and date the requesting party was notified: _____

Notification to Complainant: Yes No **Date:** _____

Notification to Respondent: Yes No **Date:** _____

Voluntary, Written Consent of Complainant: Yes No **Date:** _____

Voluntary, Written Consent of Respondent: Yes No **Date:** _____

Informal Resolution Process/Method: _____

Informal Resolution Facilitator (name, position): _____

Date(s) of Informal Resolution: _____

Was the Complaint resolved through Informal Resolution? Yes No

Date: _____

If yes, the Title IX Grievance Process ends. If no, the Title IX Grievance Process continues with investigation of the Formal Complaint.

VIII. INVESTIGATION OF COMPLAINT

The burden of proof during the investigation rests on the District, and not the parties involved. The District must provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible. This Checklist assumes the District is using the single investigator/decisionmaker model, consistent with 2:265-AP2, Formal Title IX Complaint Grievance Process. Consult the Board Attorney if the District wishes to separate the roles of Investigator and Decisionmaker for Title IX Complaints. Additional steps under the Grievance Process are required if different people serve in the Investigator and Decisionmaker roles; this Checklist will need to be amended to reflect those steps.

Date Investigation Initiated: _____

A. INTERVIEWS

Complainant Interview Date(s): _____

Respondent Interview Date(s): _____

Witness Interview Date(s) (add more as needed):

Witness: _____ **Date(s):** _____

Witness: _____ **Date(s):** _____

Witness: _____ **Date(s):** _____

B. EVIDENCE

All parties must be provided with an equal opportunity to access evidence that is relevant to the allegation(s) of sex discrimination and not otherwise impermissible, or an accurate description of the evidence. If the parties are provided a description of the evidence to

review, the parties must have an equal opportunity to access the relevant evidence upon the request of any party. In addition, the District must provide the parties a reasonable opportunity to respond to the evidence or to the accurate description of the evidence. No timeline is specified for the parties' review of the evidence or response. The District should set a deadline; for example, 10 school business days to review the evidence and submit a written response. See Ex. 6, HLERK Model 2024 Title IX Notice of Evidence Access & Response. The District must take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the Title IX Grievance Process.

Parties' written response to evidence due by ([insert #] days): _____

Evidence Access Provided

Method of providing access to relevant evidence to parties: _____

Notification to Complainant: Yes No **Date:** _____

Notification to Respondent: Yes No **Date:** _____

Description of Evidence Provided

Method of providing accurate description of relevant evidence to parties (e.g., pdf via email; electronic folder with restricted access; in-person review): _____

Notification to Complainant: Yes No **Date:** _____

Notification to Respondent: Yes No **Date:** _____

Date request for access to evidence received: _____

Request for access from: Complainant Respondent

Notification to Complainant: Yes No **Date:** _____

Notification to Respondent: Yes No **Date:** _____

Response to Evidence from Parties

Written Response from Complainant Received: Yes No **Date:** _____

Written Response from Respondent Received: Yes No Date: _____

IX. DETERMINATION OF SEX DISCRIMINATION UNDER TITLE IX

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the Decisionmaker must make a determination of whether sex discrimination under Title IX occurred for each allegation in the Complaint. All decisions must be based on the preponderance of the evidence standard. See Ex. 7, HLERK Model 2024 Title IX Written Determination Template. The Title IX Coordinator is responsible for implementation of any remedies and disciplinary sanctions.

Date of Written Determination: _____

Date Written Determination Sent to Complainant: _____

Supportive measures continued (document any changes): Yes No

Summary of Remedies to Complaint, if applicable: _____

Date Written Determination Sent to Respondent: _____

Supportive measures continued (document any changes): Yes No

Summary of Disciplinary Consequences for Respondent, if applicable: _____

X. APPEAL PROCESS

Either party may appeal the written determination or the dismissal of the Complaint (or dismissal of allegations within the Complaint) within 5 school business days of receiving the written determination or notice of dismissal.

Appeal due by (5 school business days): _____

Date Written Appeal Received: _____

Party Submitting Appeal: Complainant Respondent

A. NOTIFICATION OF APPEAL & STATEMENT

Upon receipt of an appeal, the Title IX Coordinator must notify all parties in writing that an appeal has been filed and that they may submit a written statement and/or new evidence. See Ex. 8, HLERK Model 2024 Title IX Notice of Appeal Filed.

Notification of Appeal and Statement to Complainant: Yes No Date: _____

Notification of Appeal and Statement to Respondent: Yes No Date: _____

Parties' written statement to Appeal due by (5 school business days): _____

Written Statement and/or New Evidence from Complainant: Yes No Date: _____

Written Statement and/or New Evidence from Respondent: Yes No Date: _____

B. APPEAL DOCUMENTS TO APPEAL DECISIONMAKER

The Title IX Coordinator must forward all materials relative to the appeal to the Appeal Decisionmaker.

Appeal Decisionmaker: _____

Date Appeal Documents Provided to Appeal Decisionmaker: _____

Documents Sent:

- | | |
|---|--|
| <input type="checkbox"/> Complaint | <input type="checkbox"/> All Evidence |
| <input type="checkbox"/> Written Determination | <input type="checkbox"/> Appeal |
| <input type="checkbox"/> Appeal Statements, if applicable | <input type="checkbox"/> New Evidence, if applicable |
| <input type="checkbox"/> Notice of Dismissal, if applicable | <input type="checkbox"/> Other: _____ |

C. APPEAL DECISION

The Appeal Decisionmaker must, within 30 school business days, affirm, reverse, or amend the written determination regarding responsibility or the notice of dismissal. Within 5 school business days of its decision, the Appeal Decisionmaker must simultaneously issue a written decision of the appeal with rationale to both parties. See Ex. 9, HLERK Model 2024 Title IX Appeal Written Decision.

Decision due date (30 school business days): _____

Written Decision due date (5 school business days after decision made): _____

Appeal Written Decision to Complainant: Yes No Date: _____

Appeal Written Decision to Respondent: Yes No Date: _____

X. EXTENSION

On a case-by-case basis, the Title IX Grievance Process may be temporarily delayed or extended for good cause. Good cause may include, but is not limited to: the unavailability of a party or a witness; concurrent law enforcement or other agency activity; or the need for language assistance or accommodation of disabilities. Complainant and Respondent, as appropriate, must be provided written notice of the delay/extension and the reason(s) for it. See Ex. 10, HLERK Model 2024 Title IX Notice of Extension.

Notification of Extension to Complainant: Yes No **Date:** _____

Notification of Extension to Respondent: Yes No **Date:** _____

Reason for Extension: _____

Length of Extension: _____

XI. RECORDKEEPING

Records must be maintained for at least 7 years. The District must maintain:

- For each Complaint of sex discrimination under Title IX, records documenting the informal resolution process or the Grievance Process, and the resulting outcome.*
- For each notification the Title IX Coordinator receives about conduct that reasonably may constitute sex discrimination under Title IX, records documenting the actions the District took to meet its obligations under 34 C.F.R. §106.44.*
- All materials used to provide the training outlined in Nos. 1-4 under the Training subhead in administrative procedure 2:265-API, Title IX Response.*

In addition, the District must comply with Policy 5:150, Personnel Records, and 5:150-AP, Personnel Records, regarding the identification, storage, and access to personnel records. The District also must comply with Policy 7:340, Student Records, as well as 7:340-API, School Student Records, and 7:340 AP-2, Storage and Destruction of School Student Records, regarding the identification, confidentiality, storage, access, and disposal of student records.