

## **MODEL 2024 TITLE IX NOTICE OF EVIDENCE ACCESS & RESPONSE**

- *The District must provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination under Title IX, and not otherwise impermissible, or an accurate description of this evidence. If a description of the evidence is provided, the parties must be provided with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.*
- *Discuss with the Board Attorney the method/format for providing the parties with access to the relevant evidence to review.*
- *The parties also must be provided a reasonable opportunity to respond to the evidence or to the accurate description of the evidence.*
- *There is no timeframe specified in the Title IX regulations for the parties' review of or response to the evidence or description of the evidence; it must be "reasonable." The District should establish a timeframe. Consult the Board Attorney.*
- *The District must take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures; disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination under Title IX are authorized.*
- *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 Access to Evidence and Opportunity to Provide a Response**

Dear *[Name(s)]*:

***[Consult with the Board Attorney regarding the method/format for providing the parties with access to the relevant evidence:] [Enclosed/attached] is the evidence [OR an accurate description of the evidence] that is relevant to the allegations of sex discrimination under Title IX. You are being granted access to this evidence [OR You are being provided a description of the evidence] as required by the Title IX regulations (34 C.F.R. 106.45(f)(4)), to ensure an adequate, reliable, and impartial investigation of the Complaint. [Include only if providing an accurate description of the evidence: You also have the right to request to review the relevant evidence. If you wish to do so, please contact me at [insert].]***

The evidence may include student record information and other sensitive information. Accordingly, please keep the evidence ***[OR the description of the evidence]*** confidential and only use it for the purposes of Title IX. That is, the evidence ***[OR the description of the***

*evidence*] should only be used or disclosed for purposes of this proceeding pursuant to the District’s Title IX Grievance Process, and administrative proceedings or litigation related to the complaint of sex discrimination under Title IX. Accordingly, you are expected to treat the evidence ***[OR the description of the evidence]*** with care and not disclose it to unauthorized third parties or via public platforms.

***[Include if Complainant/Respondent is a student whose student record information is included in the disclosed evidence:]*** The Title IX regulations require that the District “provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination.” 34 C.F.R. 106.45(f)(4). As a result, the District will be providing access to the enclosed evidence ***[OR the description of the evidence]***, which includes information contained in your student’s school student records, to ***[insert name of party (or parties) receiving access]***. Pursuant to the *Illinois School Student Records Act* (105 ILCS 10/1 *et seq.*), you have a right to inspect, copy, and challenge the content of your student’s records.

You have the right to submit a response to the evidence ***[OR the description of the evidence]***. Should you decide to submit a response, please submit it in writing by the end of day on ***[insert date]***. ***[Note: The Title IX regulations do not specify a timeframe; it must be “reasonable.” We recommend setting a timeframe consistent for all Title IX investigations, e.g., 10 school business days. Consult the Board Attorney]***.

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

Sincerely,

***[Name]***  
Title IX Coordinator