Cumberland County Schools

Title IX Grievance Checklist

For Sexual Harassment/Discrimination

Step I – Report of an Allegation

Name of Title IX Coordinator: _____ School: _____

Individual Reporting Allegation: _____ Date: _____

Initial means used to report allegation: Email (Attach) ☐ Orally ☐ Other: _____

Initial means of finding allegation: Overheard ☐ Informed ☐ Witnessed ☐

Names of Witnesses/Informants/Persons of Interest:

_____ _____

_____ _____

_____ _____

_____ _____

Name Complainant(s):_____

Name Respondent(s):_____

Step II – Victim Support

Complainant Contact Date: _____ discussed accusation and supportive measures (With or without filing a formal complaint)

Supportive Measures Discussed and considered for the complainant at their request:

Counseling ☐ Extensions of Deadlines ☐ Modification of Schedule ☐

School Escort Services ☐ Leave of Absence ☐ Increased Security ☐

Contact Restriction between Parties ☐ Monitoring Specific Areas on Grounds ☐

Other Course Related Adjustments: _____

Other School Campus Modifications: _____

Off Campus Assistance (In conjunction with LEO & Parent/Guardian): _____

Filing a formal complaint means a document (Physical/electronic) signed and filed by the complainant alleging sexual discrimination or harassment under the terms of Title IX against the respondent and requesting that the recipient investigate the allegation.

After the complainant was explained the process for filing a formal complaint, does the complainant wish to file a formal complaint? Yes ☐ No ☐

(Under Title IX Regulations, actual knowledge does not necessarily trigger obligation to conduct a formal investigation.)

Step III – Filing a Formal Complaint

Verification of Sexual Harassment under Title IX - Conduct on the basis of sex that satisfies two or more of the following:

( ) *Act must have occurred during an education program or activity in the United States. An education program or activity includes locations, events, or circumstances over which a school district exercised substantial control over the alleged perpetrator and the context in which the sexual harassment occurred. Depending on the circumstances, may cover incidents that occur off school district property or online (e.g. field trip, school district digital platform).
(* Must apply)

( ) An employee conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct. (Quid Pro Quo)

( ) 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 recipient's education program or activity. (Hostile environment).

( ) Unwanted verbal or physical behavior with sexual connotations by an adult or student that is severe or pervasive enough to create an intimidating, hostile or offensive educational environment, cause discomfort or humiliation or unreasonably interfere with the individual's school performance or participation. An incident when one person demands a sexual favor from another under the threat of physical harm or adverse consequence. "Sexual assault" as defined, "Dating violence". Domestic violence" or "Stalking" as defined in VAWA within the parameters of the school's jurisdiction.
(If none of the above conditions apply it is not an investigative offense under Title IX)

Filing a formal complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual discrimination or harassment against respondent and requesting that the recipient investigates the allegation. Under the Title IX Regulations, 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 recipient with which the formal complaint is filed. *(§ 106.30 defining "formal complaint" OCR, DOE pg. 413. https://www2.ed.gov/about/offices/list/ocr/docs/titleix-regs-unofficial.pdf.)*

Date Formal Complaint was filed: _____

Person filing Formal Complaint: _____

Attach a copy of the Formal Complaint and forward this check list to the Investigator to proceed with the investigation.
(Formal Complaint Form is in attachments)

Step IV – Investigation

Name of Investigator: _____ Position: _____

Investigator will only gather facts and will not state final decisions or prognosticate final decisions or punishments. The Investigator may not have any bias of any form to either party in the investigation. If the Investigator has any questions or concerns please direct them to the District Title IX Coordinator.

Timeline for Investigation

Date	***Timeline***	***Action Required***
	Within 3 business days from the date of the formal complaint.	**Written Notice of Sexual Harassment/Discrimination Allegations** to all parties and advisors (Parents/Guardians). Summary of the time, place and events that took place to proceed with an investigation. Statement must also include: *"The alleged perpetrator is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process."*
	Within 3 business days from the date of the formal complaint.	**All parties receive a copy of the Grievance Policy**. Direct parties to the district website for access or provide a hard copy if requested.
	Within 3 business days from the date of the formal complaint.	**Provide Title IX Required Notice** which includes but is not limited to none disciplinary action, choice of an advisor, inspection and review of evidence, and prohibiting making false statements.
	20 Days after Formal Complaint	**Time frame to conduct a full investigation** will be approximately 20 business days after Coordinator submits the formal complaint to the Investigator. This is to include 10 days for the involved individuals to review and respond to the evidence submitted.
	15 Days after Final Investigation was submitted.	**Time frame of when parties will be notified of the outcome of the complaint** will consist of 15 business days after the final investigation is submitted. This includes 10 days for involved individuals to submit questions in writing concerning the final submitted investigation.
	10 Days after decision was made.	**Appeals,** if applicable, from Involved parties will have 10 day to file after the final decision has been submitted.

Statements and Witnesses

Complainant: _____

Complainant's Statement Made and Attached Yes ☐ No ☐

Factual evidence submitted? Yes ☐ No ☐ (*If yes attach)*

Witness 1: _____ Witness 2: _____

Witness 3: _____ Witness 4: _____

Witness 5: _____ Witness 6: _____

Recipient: _____

Recipient Statement Made and Attached Yes ☐ No ☐

Factual evidence submitted? Yes ☐ No ☐ (*If yes attach)*

Witness 1: _____ Witness 2: _____

Witness 3: _____ Witness 4: _____

Witness 5: _____ Witness 6: _____

Reporter: _____
(If other than the Complainant)

Recipient Statement Made and Attached Yes ☐ No ☐

Factual evidence submitted? Yes ☐ No ☐ (*If yes attach)*

Witness 1: _____ Witness 2: _____

Witness 3: _____ Witness 4: _____

Witness 5: _____ Witness 6: _____

Investigator will follow the steps below:

1. Provide an equal opportunity for the involved individuals to present witnesses (including fact and expert witnesses) and other inculpatory (person's involvement or establishes guilt) and exculpatory (exonerates from guilt) evidence.
2. Interview all witnesses and produce a written question and answer copy of the interview. It is advisable to have a recorder to ensure all details are included.
3. When all evidence is collected and witnesses interviewed, provide a copy to the involved individuals and their parents/guardians for them to review and respond.
4. Once the involved individuals have responded to the collected evidence, create an investigative report that fairly summarizes relevant evidence.
5. Share the Investigative report with involved individuals and their parents/guardians so they may submit relevant questions for witnesses or the other side to the Decision-maker.
6. Submit a copy of all completed documents to the the District Decision-Maker.

Step V – Decision

Decision-maker will allow the involved individual and their parents/guardians to submit in writing, relevant questions to ask the other side (including witnesses). The Investigator will have already given the parties a copy of their Investigative Report. Parties have ten days from the date they received the report to submit the questions to the Decision-maker.