

## **MODEL 2024 TITLE IX APPEAL WRITTEN DECISION**

- *Following review of all materials relative to the appeal, including any written statement and/or new evidence submitted by a party, the Appeal Decisionmaker must decide whether to affirm, reverse, or amend the Decisionmaker’s written determination and issue a written decision to both parties that describes the result of the appeal and the rationale for the result.*
- *An appeal can be filed only for the following reasons: (1) procedural irregularity that would change the outcome; (2) new evidence now available that would change the outcome but that was not reasonably available at the time of the determination; and (3) the Title IX Coordinator or Investigator/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 Board/District may offer additional bases for appeal, so long as they are offered equally to both parties. Check if your Board/District policy has additional bases for appeal.*
- *Timelines are not set forth in the Title IX regulations; PRESS 2:265-AP2 includes 30 school business days to make the decision and then 5 school business days to issue the written decision to the parties.*
- *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: Title IX Appeal Written Decision**

Dear *[Name(s)]*:

This letter constitutes the Appeal Decisionmaker’s written decision of the *[Complainant’s or Respondent’s]* Appeal of the *[written determination OR dismissal of Complaint OR dismissal of certain allegations in the Complaint]* issued on *[date]*.

The *[Complainant or Respondent]* filed an appeal on *[date]*. The District’s Title IX Coordinator processed the appeal pursuant to the District’s Title IX Complaint Grievance Process set forth in Board Policy 2:265, *Title IX Grievance Procedure*, and its corresponding administrative procedures: 2:265-AP1, *Title IX Response*, and 2:265-AP2, *Formal Title IX Complaint Grievance Process*. *[Describe if each, both, or none of the parties submitted a written statement and/or new evidence in support of, or challenging, the outcome, including the date submitted and if it was timely.]*

Upon consideration of all materials relevant to the appeal, as the Appeal Decisionmaker, I determine that *[describe the decision to affirm, reverse, or amend the written decision regarding responsibility or the dismissal of the Complaint or allegations therein. Include the rationale for the decision. Depending on the nature of the written statements and/or new evidence submitted by the parties, if any, the written decision may need to address those as well as part of its consideration.] [OR If the appeal is being dismissed as not timely or because it was filed on a basis that is not one of the permitted bases for appeal, state that in the written decision instead.]*

*[We recommend that if on appeal the Appeal Decisionmaker upholds the dismissal of the Complaint, or dismissal of certain allegations in the Complaint, under the Title IX Policy, but the District is still proceeding with an investigation pursuant to another Board Policy / State law (e.g., 2:260 UGP; 7:20 harassment; 7:180 bullying), that information should be included in this written decision so that the Complainant and Respondent know that an investigation is still moving forward, even if not pursuant to the Title IX Grievance Process.]*

This matter is now closed. Thank you for your participation in the Title IX Grievance Process. If you have any questions regarding this matter, please contact the District's Title IX Coordinator, *[name]*, at *[contact information]*.

Sincerely,

*[Name, Title]*

Appeal Decisionmaker