

St. Lucie

PUBLIC SCHOOLS



# **Title IX**

## **Coordinator Training**

**August 2025**

# Learning Goals

- ✓ Understand the definition of sexual harassment
- ✓ Understand the Title IX Formal and Informal Grievance Process
- ✓ Understand and recognize the scope of educational programs and activities
- ✓ Understand how and when to conduct a Title IX investigation
- ✓ Understand SB policy 2266 and how to prepare SLPS Title IX documents

# School Board Policy 2266



## **2266- Nondiscrimination on the Basis of Sex in Education Programs and Activities**

This policy outlines the St. Lucie County School Board's process to address complaints regarding sexual discrimination/ harassment in SLPS programs and activities.

[Board Docs](#)



# Sexual Harassment



*Sexual harassment* is defined as conduct on the basis of sex that satisfies one (1) or more of the following:

1. Quid pro quo
2. Unwelcome conduct that a **reasonable person** would determine to be so **severe**, **pervasive**, and **objectively offensive** that it denies a person equal access to the education program or activity
3. *Sexual assault*, as defined in the Clery Act, or dating violence, domestic violence or stalking, as defined in the Violence Against Women Act.

# Sexual Harassment



**Behaviors that could constitute Sexual Harassment, include but are not limited to, the following:**

- Sexually suggestive remarks, jokes, or slurs
- Verbal harassment or abuse, including derogatory stereotypes
- Displaying or distributing sexually suggestive pictures (drawings, photographs, videos)
- Touching in a sexual nature or groping
- Sexually suggestive gesturing, including touching oneself in a suggestive manner in front of others

# Sexual Harassment



## **Examples continued:**

- Harassing, sexually suggestive or offensive messages that are written or electronic
- Subtle or direct propositions for sexual favors or activities
- Teasing or name-calling related to sexual characteristics or the belief an individual is not conforming to expected gender roles or conduct
- Threats or intimidating conduct including hostile activity or physical acts of violence against a student or employee on the basis of sex
- Stalking a student or employee

# Determining Severe and Pervasive



- ✓ Physical contact is more likely to be considered more severe
- ✓ Consider all the circumstances
- ✓ Did the complainant have the ability to remove him/herself from the alleged harassment?
- ✓ Determine if the behavior was widespread or openly practiced
- ✓ Did the conduct interfere with the educational program or activity
- ✓ Assess the frequency
  - Intensity
  - Duration

# Objectively Offensive

- ✓ Standard of reasonable person
- ✓ Consider age and relationship of parties
- ✓ Consider the number of people involved
- ✓ Frequency of alleged conduct
- ✓ Humiliation factor

# Thoughts?



Student A reports to the Title IX Coordinator that Student B pulled Student A's pants down in the locker room while changing for P.E. yesterday.

**Does this complaint fall within Title IX?  
Why or why not?**

# Sexual Assault



An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the FBI

20 U.S.C 1092(f)(6)(A)(v)

***Examples:***

1. Rape
2. Fondling
3. Statutory Rape
4. Incest

# Dating Violence



The term “dating violence” means violence committed by a person--

**(A)** who is or has been in a social relationship of a romantic or intimate nature with the victim; and

**(B)** where the existence of such a relationship shall be determined based on a consideration of the following factors:

**(i)** The length of the relationship.

**(ii)** The type of relationship.

**(iii)** The frequency of interaction between the persons involved in the relationship.

34 U.S.C. 12291(a)(10)

# Other Important Definitions



## **Domestic Violence:**

- Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim
- A person with whom the victim shares a child in common
- A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies
- Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

34 U.S.C. 12291(a)(8)

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to--

- (A)** fear for his or her safety or the safety of others; or
- (B)** suffer substantial emotional distress.

U.S.C. 12291(a)(30)

# Examples of Stalking



- Persistent following around before, during, and after class hours
- Waiting around, showing up, or driving by wherever currently located, such as home, work, or school
- Using social media to track or find out current location
- Constantly calling, texting, or video-chatting
- Using spoofing apps when calling to show up as a different person on caller ID
- Monitoring personal phone calls or computer use with or without personal knowledge of the monitoring
- Sending unwanted letters, cards, emails, or gifts

# Key Title IX-Related Issues



## **Sex-Based Discrimination**

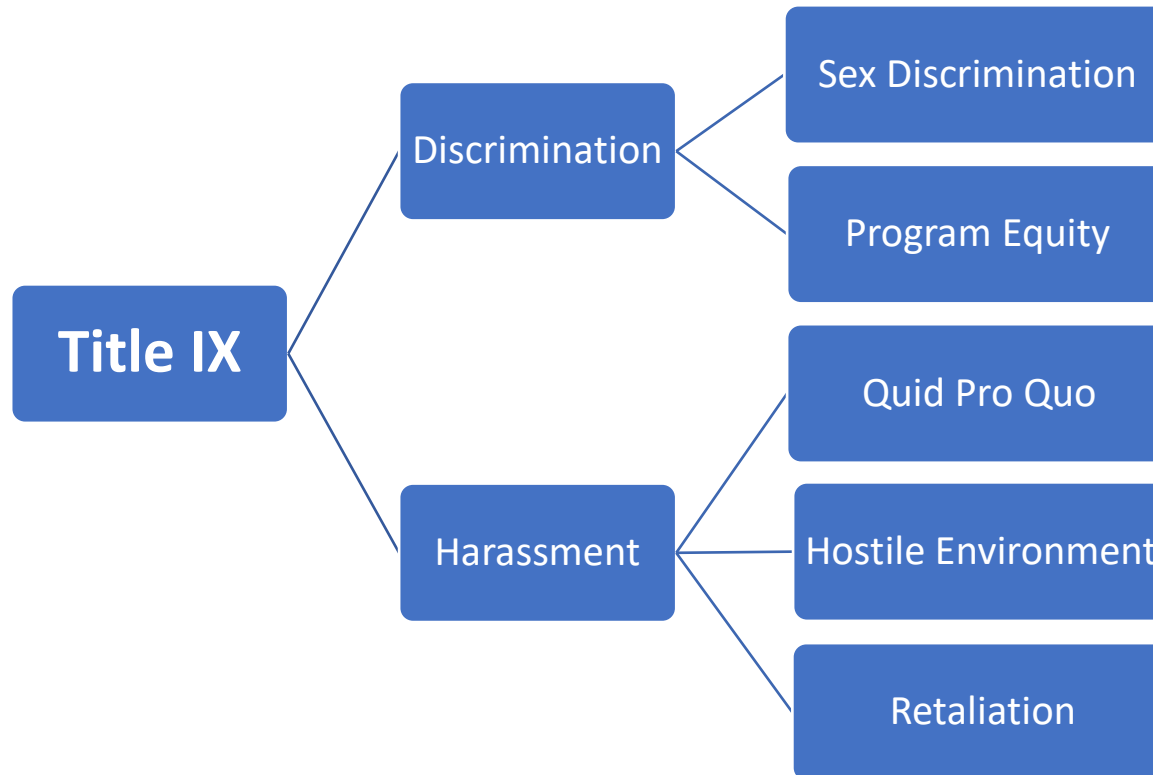
- Program Equity
- Recruitment, Admissions, & Access
- Pregnancy
- Athletics
- Employment, Recruitment, Hiring
- Extra-curricular Activities
- Housing
- Access to Course Offerings
- Salaries & Benefits
- Financial Assistance
- Facilities
- Funding
- Sex, Gender, & Sexual Orientation
- Gender Identity

## **Sexual Harassment**

- Quid Pro Quo
- Hostile Environment
- Sexual Assault
- Domestic Violence
- Dating Violence
- Stalking

## **Retaliation**

# Title IX Violation?



# Title IX Scope Defined



An individual must report under Title IX when the person has:

- **Actual Knowledge** of Sexual Harassment
- Occurring in an **Educational Setting**

# Actual Knowledge



When **any** school-based employee has knowledge of sexual harassment or allegations of sexual harassment, schools are obligated to respond.

- This includes food service employees, custodial staff, paraprofessionals, school clerks etc. **Any**.

# Educational Setting



**“Education program or activity”** is broadly defined to include locations, events, or circumstances over which the school exercises **substantial control** over both the respondent and the context in which the sexual harassment occurs.

## **Examples:**

- School-funded, -sponsored, or -promoted trips
- Sporting events
- School Dances
- Extracurricular/co-curricular programs or activities
- Buildings or other locations that are part of the school’s operations, including remote learning platforms
- The operations of a school may include computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of, the school

# Jurisdiction



- (1). Is it an educational program or activity?**
- (2). Does the school exercise substantial control?**

An incident of sexual harassment between two students in a private hotel room which occurred in a context related to a school sponsored activity, such as a school field trip or travel with a school athletics team.

A student using a personal device to perpetrate online sexual harassment to another student during class time

An incident that occurred in a student's home, such as where a teacher employed by a school visits a student's home ostensibly to give the student a book but in reality to instigate sexual activity with the student.

# Equal Access



## What Does it Mean to be “Effectively Denied Equal Access?”

Examples from the US DOE:

- Skipping class to avoid the harasser
- A decline in a student's grade point average
- Having difficulty concentrating in class
- A third grader who starts bed-wetting or crying at night due to sexual harassment
- A high school wrestler who quits the team but participates in other school activities after being sexually harassed

**\*No concrete injury is required to prove a student has been denied equal access**

# Title IX Roles



- **Complainant**

- **Respondent**

- **Title IX Coordinator**

- Esther Rivera – Student District Coordinator/Aaron Clements Staff District Coordinator
- Each school site has a Coordinator/Lead - must be an administrator

- **Investigator**

- Can be the same person as Title IX Coordinator

- **Decision-Maker(s)**

- Cannot be the same person(s) as the Title IX Coordinator or the investigator
- School site Principal

- **Appeals Decision-Maker(s)**

- May not be the same person as the investigator, school-based Title IX Coordinator, or decision-maker who reached the initial determination of responsibility or dismissal.

# Impartiality



Any person who facilitates an informal resolution process may not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

**Must avoid prejudgment of the facts at issue, conflicts of interest, and bias.**

- ✓ Related to parties?
- ✓ Friends?
- ✓ Previous relationship?
- ✓ Financial connections?
- ✓ Prior dealings?
- ✓ Business partners with family?

# Responsibilities

## **District Student Coordinator**

- Esther Rivera, Director of Student Services
- Coordinates SLPS compliance with federal regulations

## **School-based Title IX Coordinator (Lead)/Investigator**

- Coordinates Title IX compliance at school site
- Documents all Title IX complaints
- Facilitates/conducts a fair and impartial investigation
- Identifies and interviews witnesses
- Implements supportive measures
- Creates a detailed, thorough investigative report that fairly summarizes evidence
- Ensures the Title IX investigation is complete *prior* to any discipline

# Responsibility of Decision-Maker



## Decision-Maker/Principal

- Serve as the decision-maker in Title IX matters
- Determine whether the Code of Conduct has been violated based upon the preponderance of the evidence standard
- Conduct an independent assessment of the evidence (remain uninvolved during the Title IX investigation)
- Remain free from conflict of interest and bias
- Determine appropriate discipline when a Code of Conduct violation has been confirmed
- Draft a written determination that outlines the rationale for the finding(s)

# Responsibility of the Appeals Decision-Maker

## **Appeals Decision-Maker**

- Make decision on a request for an appeal
  - Review written statements from all parties
  - Review investigative report and all evidence from the primary investigation
  - Case review is limited to the reason listed in the appeal request
  - Draft a written determination that explains the rationale for the outcome reached

# Title IX Reporting

## School Board Policy 2266:

- Under Title IX, any person may report sexual harassment at any time, whether relating to herself/himself or another person.
- If any District employee, other than an employee harasser or Title IX Coordinator receives information of conduct that might constitute sexual harassment, including sexual assault, dating violence, or domestic violence, the employee must promptly inform the Title IX Coordinator of the alleged sexually harassing misconduct.
- The receipt of such information means the District employee has (a) actual knowledge; and (b) a mandatory reporting obligation.
- A report of sexual harassment may be made by mail, email, telephone, in person or any other means that would result in the Title IX Coordinator receiving the report.

# Child Abuse Reporting



## REQUIRED

- If there is an actual or suspected case of child abuse, neglect, or abandonment, School Board employees have the responsibility to report to the state-wide central abuse hotline pursuant to Florida Statute §39.201.
- Also, report to law enforcement if there is an actual or suspected crime so that law enforcement may conduct a criminal investigation.

# Title IX Process



1. Incident
2. Formal or Informal Complaint Received
3. Immediately notify SRO, DCF & H.R. (if Applicable) and Student District Coordinator
4. Review of allegation by Title IX coordinator
5. Assessment of allegation
  - Scope
  - Dismissal
  - Investigation
  - Determination
  - Appeal



### Title IX Investigation Checklist

Complainant: \_\_\_\_\_

Date Reported: \_\_\_\_\_

Respondent: \_\_\_\_\_

Incident Date: \_\_\_\_\_

Investigator: \_\_\_\_\_

### PRE-INVESTIGATION

- ☐ Parent of Complainant notified
  - ☐ Provide parents with [SLPS Board Policy 2266](#) and explain the Grievance Process (Formal vs. Informal)
  - ☐ Provide parents with [Title IX Investigation Process Guide](#)
  - ☐ Parent to make decision to pursue Formal or Informal Grievance Process
- ☐ Supportive and safety measures implemented
  - ☐ Counseling
  - ☐ Schedule changes (non-disciplinary, non-punitive)
  - ☐ Stay Away Agreement
  - ☐ Safety Plan
  - ☐ Increased Monitoring
  - ☐ Check in/out
  - ☐ Mental Health Counselor, Social Worker, School Counselor or Outside Agency Referral
  - ☐ DCF Notified
  - ☐ School Police Notified

### FORMAL GRIEVANCE

- ☐ [Intake of Complaint](#) - in writing signed by Complainant or Title IX Lead Contact
- ☐ [Notice of Allegation Form](#) provided to Respondent (Include sufficient details & time to prepare a response \*2 days)
- ☐ Complete a [Title IX Student Report](#) (do not complete Section IV)
- ☐ Conduct Investigation
- ☐ Interview Respondent on date/time provided
- ☐ Interview witnesses (advise witnesses and their parents their names will be included to Complainant and Respondent in Investigation Report) ([witness statements](#))
- ☐ Collect Evidence (make copies and attach to your file)
- ☐ Finalize [Title IX Student Report](#) (Section IV)
- ☐ Complete [Title IX Determination of Responsibility](#) (shared with parties simultaneously)
- ☐ Parties (Complainant and Respondent) have 10 days to review report, during which they can:
  - ☐ Introduce additional information that would aid in the investigation
  - ☐ Propose relevant questions to be asked of either party (Complainant and Respondent)
  - ☐ Any additional information or questions with answers and provided to both parties for review

- ☐ After 10 Days, [Title IX Student Report](#), [Title IX Determination of Responsibility](#) form and all evidence is provided to Principal.
  - ☐ Principal/Decision maker reviews all evidence and report to determine responsibility
  - ☐ May provide sanctions
  - ☐ Implementation of additional remedies for both parties
  - ☐ Written outcome and rationale for determination of responsibility
- ☐ Principal signs [Title IX Student Report](#) & [Title IX Determination of Responsibility](#) form and sends the original to the Director of Students Services, Division of ESE & Student Services

### INFORMAL GRIEVANCE

- ☐ [Intake of Complaint Form](#) - in writing signed by Complainant or Title IX Lead Contact
- ☐ [Notice of Allegation Form provided to Respondent](#) (Include sufficient details & time to prepare a response \*2 days)
- ☐ Complete a [Title IX Student Report](#) (do not complete Section IV)
- ☐ Conduct Investigation
- ☐ Interview Respondent on date/time provided
- ☐ Interview witnesses (advise witnesses and their parents their names will be included to Complainant and Respondent in Investigation Report) ([witness statements](#))
- ☐ Finalize [Title IX Student Report](#) (Section IV)
- ☐ Complete [Student Informal Title IX Resolution Agreement Summary with parents of both parties](#) (separately)
  - ☐ Voluntary, written consent of the parties and their parent/guardian
  - ☐ Not require the parties to confront each other or even be present in the same room
  - ☐ A signed resolution agreement is signed by both parties
  - ☐ A school, in its discretion can offer and facilitate informal resolution options, such as mediation or restorative justice, or other supportive and safety measures
- ☐ Principal signs [Title IX Student Report](#) form and sends the original to the Director of Students Services, Division of ESE & Student Services

### Absence of Formal Complaint

If the parent/ guardian of the complainant withdraws from the Formal Grievance Process and Informal Title IX Resolution Agreement Summary, schools are still required to complete and submit the following documentation:

- ☐ Complete Original [Intake of Complaint](#)- If received In writing- Signed by Complainant/ Title IX Lead Contact (TXLC)
- ☐ Complete [Title IX Report](#) (All Sections)
- ☐ Complete [Notice of Title IX Allegation](#) (kept on file and \*not given to Respondent)
- ☐ Complete [Title IX Determination of Responsibility](#) (kept on file and \*not given to Respondent)
- ☐ Principal signs [Title IX Student Report](#) & [Investigation Report](#) and sends the original to the Director of Students Services, Division of ESE & Student Services

\*NOTE- Student Code of Conduct may still apply based on the incident and could receive possible disciplinary action

# Emergency Removal

A school may remove a respondent from an education program or activity on an emergency basis if the school:

- **Undertakes an individualized safety and risk analysis;**
- **Determines an immediate threat to the physical health or safety of any student or other individual arising from the allegations justifies removal; and**
- **Provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.**

This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

If the respondent is a non-student employee, the District may place the employee on administrative leave during the pendency of the grievance process.

**The School must notify the Threat Assessment Chair in this instance and District Coordinator.**

# Supportive Measures

- Non-disciplinary and non-punitive
  - Change in class or lunch schedule at the request of the complainant or respondent
- Provided to all parties (Complainant & Respondent) throughout the process
- Without unreasonably burdening the other party
- If supportive measures are not provided the Title IX Coordinator must document the file
- Even if the allegations do not fall under the scope of Title IX, the school-based Title IX Coordinator can still offer supportive measures to the complainant
- Hope Scholarship

Examples of supportive measures include, but are not limited to:

- ✓ Counseling
- ✓ Extensions of deadlines or other course-related assignments
- ✓ Modifications of class schedules
- ✓ Campus escort services
- ✓ Mutual restrictions on contact between the parties
- ✓ Increased security and monitoring of certain areas of the campus
- ✓ Other similar measures

# Reporting Sexual Harassment

- **Any** person may report sexual harassment
- A report can be made in person, by phone, by mail or submitted electronically
- A formal complaint should be filed within 10 days of the alleged incident, or the complaint may be deemed abandoned
- SLPS is responsible for responding to complaints of which it has been notified, even if notice is not received within the 10-day time frame

# Response to Sexual Harassment

- Schools must respond to knowledge of sexual harassment within twenty-four (24) hours or no more than two (2) school days.
- Upon knowledge of sexual harassment, schools **must** notify the school-based Title IX Coordinator.
- Upon notice the school-based Title IX Coordinator must:
  - Contact the complainant to discuss the availability of supportive measures
  - Consider the complainant's wishes with respect to the supportive measures
  - Inform the complainant of the availability of supportive measures with/without the filing of a formal complaint
  - Explain the process for filing a formal complaint

# Formal Complaint

Formal complaints can be filed by the complainant, parent or legal guardian, or the Title IX Coordinator



Once the formal complaint is filed, schools must immediately determine the following:

Do the allegations meet the definition of sexual harassment?

Did the conduct occur in an educational program or activity?

# Formal Complaint

- At the time of filing the formal complaint, the complainant must be participating in or attempting to participate in a SLCPS educational program or activity
- Once filed, you must immediately determine if the allegation(s) fall within the Title IX scope
- If yes to the above, you must follow the grievance process outline in SB policy 2266, Nondiscrimination on the Basis of Sex in Education Programs and Activities
- You may consolidate formal complaints arising from the same set of facts or circumstances:
  - Against more than one respondent
  - If multiple complainants file a complaint against multiple respondents
  - If one party files a complaint against the other party

St. Lucie Public Schools  
**Student Complaint Report**

This report MUST be completed when a student files a complaint relating to an incident of alleged student harassment and/or discrimination. The original completed report must be sent to the Title IX Coordinator, Division of ESE & Student Services. One copy of the form should be kept on file at the school. If there are any witnesses to the incident, a *Witness Statement* must be completed for each witness. The completed Witness Statement(s) must be attached to this report before it is sent to the Title IX Coordinator, Division of ESE & Student Services.

Complainant First Name	M.I.	Complainant Last Name	Gender	Grade	Age
Respondent First Name	M.I.	Respondent Last Name	Gender	Grade	Age
School			School Phone #		
Principal		Person Completing Form	Incident Date		

What is the location of the incident?

Describe the incident:

List all witness names

List evidence of harassment (*i.e. letters, photo, etc. - attach evidence if possible*)

Other Information:

# Initial Assessment

- Prior to any discipline being assigned, the Title IX coordinator must conduct a preliminary assessment.
- **Determine the following:**
  - Do the allegations fall within the Scope of Title IX?
  - Does the conduct meet the definition of sexual harassment as defined in SB policy 2266?
  - Did the alleged incident occur within a SLPS education program or activity?
  - Did the incident occur against a person in the United States?
- **If any of these questions are answered in the negative, the Title IX Coordinator will dismiss the complaint on jurisdictional grounds.**

# Dismissal of Formal

If the complaint does not meet the definition of sexual harassment or did not occur in an educational setting, schools must dismiss, but may take action according to the Code of Conduct.

Schools must promptly send written notice of the dismissal with the reason(s) for the dismissal simultaneously to the parties.

Schools must offer both parties an opportunity to appeal a dismissal of a formal complaint.

Schools may dismiss upon written request of the complainant to withdraw the complaint.

Schools may dismiss if specific circumstances prevent the school from gathering sufficient evidence to reach a determination.

Schools may dismiss if the respondent is no longer enrolled or employed in the school district.

# Appeal of Dismissal

- Parties may request an appeal from a dismissal within two (2) school days of issuance of the dismissal.
- Requests for an appeal shall be sent to the appeals decision-maker.
- Once a request for appeal is received; a notice of appeal must be sent immediately to both parties.
- Parties have three (3) school days to submit a response in support of or challenging the outcome of the dismissal or the written determination.

# GRIEVANCE PROCEDURES

# Title IX

# Title IX Commandments

<b>Investigation</b> →	<b>Thorough</b>	<b>Reliable</b>	<b>Impartial</b>
<b>Process</b> →	<b>Prompt</b>	<b>Effective</b>	<b>Equitable</b>
<b>Remedies</b> →	End the Discrimination	Prevent its Recurrence	Remedy the effects upon the victim & community



# Requirements of Grievance Process

- Treat complainant and respondent equitably
- Be objective when evaluating evidence
- Presume the respondent is not responsible for the alleged behavior
- Ensure the Title IX team is free from any conflict of interest
- Include prompt time frames for conclusion of the process
- Include a process that allows for a temporary delay of the grievance process for good cause with written notice
- List range of possible disciplinary sanctions and remedies
- Include process and grounds for appeal
- Offer supportive measures available

# Written Notice

Upon receipt of a formal complaint, must provide written notice of the following (also may be called a “Notice of Allegation and Investigation):

- identities of parties involved;
- a description of the conduct allegedly constituting sexual harassment;
- date and location of the alleged incident;
- a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- the school’s grievance process in Board Policy;
- advises the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence; and,
- advises the parties of any provisions in the School Board’s code of conduct or the superintendent’s Standards of Student Conduct that prohibit knowingly making false statements or knowingly submitting false information during the grievance process.

**Written notice must be provided to all parties.**

# Notice of Title IX Allegation

This form is to be used for Title IX complaints of sexual harassment involving students. The Complainant has alleged the Respondent engaged in sexual harassment in violation St. Lucie Public Schools Board Policy 2266.

Complainant First Name		MI	Last Name	Grade
Respondent First Name		MI	Last Name	Grade
School #	School Name			
Date of Allegation(s)	Time of Allegation(s)	Location of Allegation(s)		
Description of Allegation(s)				

St. Lucie Public Schools takes reports of alleged Sexual Harassment seriously. There is a formal process for investigation and resolution of such allegations. Allegations of sexual harassment can also be resolved through an informal resolution if there is agreement by the parties and the Title IX Coordinator.

Throughout the entire grievance process, Complainant and Respondent are entitled to have an advisor of their choice, who may be a parent, a trusted adult, or an attorney. This advisor may attend meetings with the parties to inspect and review evidence provided during the grievance process.

Federal law states that the respondent is presumed not responsible for the alleged sexual harassment until the investigation concludes. A determination regarding responsibility will be made at the conclusion of the grievance process.

A meeting has been scheduled to discuss the complaint with (name of investigator)

at (time) on (date) at (meeting location).

If you have any questions, contact (name of Title IX School Contact) at (phone number)

Additional information to be provided with this form:

- SLPS Title IX grievance process
- Informal resolution process
- Applicable Student Code of Conduct sections/Title IX Policy
- Participating in a Title IX Investigation Process as a Complainant/Respondent

\_\_\_\_\_  
*Signature of Title IX Lead Contact* *Date*

\_\_\_\_\_  
*Signature of Principal* *Date*

# Response to Formal Complaint

- Parties shall be afforded the opportunity to prepare a response regarding the complaint and provide the response during the initial interview
- Parties shall have no less than two (2) school days from the date of the written notice to prepare a response.
- The school-based Title IX Coordinator shall conduct the initial interviews with both the complainant and respondent within five (5) school days
- Each individual shall be interviewed separately and at no time will the complainant and respondent be interviewed together.



# Interviews/Meetings/Hearings

- Written notice for any investigative interviews or meetings must be sent to all parties whose participation is expected or invited at least two (2) school days prior to the interview or meeting - Including witnesses
- The investigation must be completed and evidence provided to parties within five (5) school days of the initial interviews with the complainant and respondent, whichever interview is later
- This time frame may be extended for good cause, which includes:
  1. Absence of a party, a party's advisor, or a witness
  2. Concurrent law enforcement activity
  3. The need for language assistance or accommodation of disabilities
- SLPS has the burden of proof and the burden of gathering evidence
- Schools may not obtain medical records unless given voluntary, written consent
- Schools may not restrict either party from discussing the allegations under investigation

# Investigative Report

- The Title IX Coordinator/Investigator will create an investigative report that fairly summarizes all relevant evidence presented
- The report must be sent in an electronic form or hard copy to all parties and their advisors ten (10) days prior to any written determination
- Parties are given ten (10) days from receipt of the investigative report to provide a written response
- Any responses received from the parties should be attached to the investigative report before the report is provided to the decision maker

# Determination of Responsibility

- At the conclusion of the grievance process, the decision-maker must issue a written determination to the parties simultaneously within three (3) school days - Notify your principal of their due date
- The school-based Title IX Coordinator is responsible for implementing remedies stated in the written determination
- If the Respondent is found responsible, a referral should be written and provided to discipline
- At the conclusion of the grievance process, including any appeals, the Title IX Coordinator is required to submit the entire Title IX packet to the District Title IX Coordinator

# Determination of Responsibility



## **The written determination must include:**

- Identification of the allegations potentially constituting sexual harassment, pursuant to the definition in this policy;
- A description of the procedural steps taken from the receipt of the formal complaint through the written determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings;
- Findings of fact supporting the determination;
- Conclusions regarding application of the Code of Student Conduct to the facts;
- The result and rationale as to each allegation;
- A determination regarding responsibility as to each allegation;
- Any disciplinary sanctions imposed on the respondent by the school;
- Whether remedies will be provided by the school to the complainant; and
- Permissible procedures and grounds for the complainant and respondent to appeal.

## Student Title IX Determination of Responsibility

Complete this Determination of Responsibility after the conclusion of the Title IX Investigation. The Decision Maker completes this form.

Student ID#	First Name	Last Name	Grade	Today's Date
School #	School Name			

Narrative of Incident that identifies the allegations that potentially constitute sexual harassment. Title IX Lead Contact's procedural steps taken from the receipt of the complaint to the determination.

Title IX Lead Contact's procedural steps taken from the receipt of the complaint to the determination.

Finding of fact supporting the determination.

Statement of, and a rationale for, the result as to each allegation, including a Determination of Responsibility (DOR), any disciplinary sanctions (application of the St. Lucie Public Schools' Code of Student Conduct), and whether remedies to restore or preserve equal access to the recipient's education program or activity will be provided to the complainant.

### Safety Measures put in place by the school (check all that apply).

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> student safety plan        | <input type="checkbox"/> check in/out                           | <input type="checkbox"/> referred to Mental Health Counseling |
| <input type="checkbox"/> parent conference          | <input type="checkbox"/> notified School Police                 | <input type="checkbox"/> referred to School Counselor         |
| <input type="checkbox"/> schedule change            | <input type="checkbox"/> notified DCF                           | <input type="checkbox"/> bus change/assigned seat             |
| <input type="checkbox"/> referred to outside agency | <input type="checkbox"/> referred to Problem Solving Team (PST) |   |

other

Did the Complainant have any advisors?

☐ Yes ☐ No

If yes, name of advisor:

Was the Parent/Guardian informed of the Appeal process?

☐ Yes ☐ No

If yes, date:

*\*Appeal may be made to the Director of Student Services within 10 days of this notice.*

Student(s) who should not have contact with the complainant:

Student ID#	First Name	Last Name	Grade	School#	School Name
Student ID#	First Name	Last Name	Grade	School#	School Name
Student ID#	First Name	Last Name	Grade	School#	School Name

Signature of Investigator

Signature of Title IX Lead Contact/Principal

# Appeals

## **Appeals may take place for the following reasons:**

- Procedural issues affected the outcome;
- New evidence that was not reasonably available at the time the written determination or dismissal was made becomes available that could affect the outcome; or
- There was a conflict of interest or bias by the school-based Title IX Coordinator, investigator, or decision-maker, against any complainant or respondent that affected the outcome
- Disciplinary actions were disproportionate to the findings

# Appeals

- Each party has the opportunity to appeal from both a dismissal and a written determination
- Requests for an appeal should be sent to the decision-maker
- A request for an appeal must be made within two (2) school days of the issuance of the written determination
- If an appeal is not filed, the determination regarding responsibility becomes final on the date after the two (2) school days to file an appeal has passed
- If an appeal is filed, the determination regarding responsibility becomes final on the date the school provides the written appeals decision

# Appeals

- Decision-maker will notify the Title IX Coordinator once a Request for Appeal form was received
- Title IX Coordinator will send Notice of Appeal to both parties
- Parties must be given three (3) school days to submit a written statement in support of, or challenging, the outcome of the written determination
- If a written statement is not received within three (3) school days, the appeals decision-maker will deem the non-response as a waiver and continue with the appeals process
- Title IX Coordinator will submit the evidence, investigative report, written determination and all appeals documents to the appeals decision maker

# Retaliation

No school or other person may intimidate, threaten, coerce, or discriminate against any individual for the purposes of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing

# Record Keeping



- Schools must maintain records related to any investigation for seven (7) years, including records of:
  - Any actions taken in response to a report of sexual harassment;
  - Any actions taken in response to a formal complaint of sexual harassment;
  - Any supportive measures provided;
  - Each sexual harassment investigation;
  - Any determination regarding responsibility;
  - Any audio or audiovisual recording or transcript;
  - Any disciplinary sanctions imposed on the respondent;
  - Any remedies provided to the complainant;
  - Any appeal and written appeal decision; and
  - All materials used to train school-based Title IX Coordinators, investigators, decision-makers, and appeals decision-makers.

# Scenarios



Student C reports to the Title IX Coordinator that Student D is always touching them. Student C says that Student D has been touching their inner thighs, butt and has even attempted to touch their genitals while in class on several occasions during the last month. Student C has told Student D to “Stop!” several times, but Student D’s behavior has only increased.

- Do these allegations fall within the scope of Title IX?

# Scenarios



Student A tells the Title IX Coordinator they were forced to perform a sex act on Student B in the bathroom.

- What should the Title IX Coordinator do next?

# Scenarios



Parent files a formal complaint and alleges that their child, Student A, is being harassed by Student B during class. The parent says that Student B has been sending messages threatening physical and sexual violence towards Student A. Parent says that it has been disruptive to Student A's participation during class and has made them fearful of returning to school.

- What steps should you take as the Title IX Coordinator?

# Confidentiality



While the identities of the parties will become known to each upon the communication of the Formal Complaint to the Respondent, the District will respect the confidentiality of the Complainant and the Respondent to the fullest extent possible, including not disclosing identities to persons not involved in the process and the maintaining of the confidentiality of medical, psychological, and academic records.

However, some information may need to be disclosed to appropriate individuals or authorities.

All disclosures shall be consistent with the District's legal obligations and the necessity to investigate allegations of harassment and take disciplinary action, if warranted.

# Confidentiality



## **Examples include:**

Information to either party to the extent necessary to provide the parties with due process during the course and scope of the investigative process.

Information to the Title IX Coordinator, case Investigator(s), and District Decision-Makers, who are the persons that are in charge of handling the District's investigation and determination of responsibility to the extent necessary to complete the District's grievance process.

Mandatory reports of child abuse or neglect to DCF and/or local law enforcement.

Reports to the Florida Department of Education as required regarding violations of the Conduct of Ethics of the Education Profession in Florida pursuant to F.S. 1012.796.

Information to the Complainant's and the Respondent's parent/guardian as required under this policy and/or FERPA.