

Notice to Respondent of Formal Complaint – Title IX Toolkit

[School Letterhead]

[Date]

Via Electronic Mail and Regular U.S. Mail

[Respondent's Name/Respondent's Parent or Guardian]

[Respondent's Address]

Re: Notice of Formal Complaint

Dear [Respondent/Respondent's Parent or Guardian],

On [date], the School received a formal complaint of sexual harassment pursuant to School Board Policy [###], which prohibits discrimination on the basis of sex. A copy of this [Policy or Procedure], which outlines the processes available for reviewing and resolving these types of complaints, is enclosed and is also available at [insert hyperlink].

As the Corporation's Title IX Coordinator, I am opening an investigation to determine whether the following allegation(s) constitute sexual harassment in violation of [Policy or Procedure] [###]:

[Insert here details regarding: (a) the identities of the respondent(s), if known; (b) the date and location of the alleged incident(s); and (c) the conduct that allegedly constitutes sexual harassment.]

The process for conducting this investigation is described in [Policy or Procedure] [###]. You will be invited to participate in an interview, submit documentation and information you believe relevant to the allegations, and submit names of witnesses you believe to have relevant information. You will be permitted to inspect, review, and respond to the evidence prior to the conclusion of the investigation. You will be permitted to review the investigation report and submit written, relevant questions to be asked of any party or witness prior to a determination regarding responsibility. Throughout this process, including during any interview or proceeding, you may be accompanied by an advisor of your choice, who may (but is not required to) be an attorney. Consistent with the law, the Corporation will presume that you are not responsible for the alleged conduct until a determination is made at the conclusion of this process. As a reminder to all participants in this process, the Corporation's code of conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

Please contact me if you desire any supportive measures, such as course adjustments, additional monitoring, or counseling, to ensure your continued access to the Corporation's educational programs and activities.

[Policy or Procedure] [###] prohibits retaliation against anyone who files a complaint or participates in an investigation of sexual harassment. Please alert me immediately if you feel harassed, coerced, intimidated, threatened, or discriminated against by any employee or student because of your participation in this investigation.

Please contact me with any questions or concerns.

Commented [A1]: The School may select the method of delivery, but the notice must be sent with sufficient time for a party to prepare for an initial interview. Accordingly, we recommend the notice is sent by email in addition to any other method.

Commented [A2]: Pursuant to 106.45(b)(2)(i)(A), this letter must include notice of the school's grievance process, including any informal resolution process.

Commented [A3]: Pursuant to 106.45(b)(2)(i)(B), this letter must include "the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment ... and the date and location of the alleged incident, if known." The comments to the regulation state this letter must include the full names of the parties (if known), rather than initials.

Commented [A4]: Pursuant to 106.45(b)(2)(i)(B), this letter must "inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney."

Commented [A5]: Pursuant to 106.45(b)(2)(i)(B), this letter must "include 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."

Commented [A6]: This statement is required pursuant to 106.45(b)(2)(i)(B) only if the code of conduct prohibits knowingly making false statements or knowingly submitting false information.

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Sincerely,

[Name of Title IX Coordinator]
Title IX Coordinator

Enclosure (Policy)