

[illegible]

- Sexual harassment
- Failure to provide equal athletic opportunity
- Sex-based discrimination in STEM courses and programs
- Discrimination based on pregnancy
- Retaliation

[illegible]

- Conditions exist that trigger a school's response obligations.
 - Actionable sexual harassment
 - Actual knowledge
- When a school is required to respond, the school's response must not be deliberately indifferent.
 - The response must not be clearly unreasonable in light of known circumstances.



Title IX Regulations

- A school must respond when the school has actual knowledge of sexual harassment that occurred within the school's education program or activity.
 - "Actual knowledge" means knowledge by *any employee* in the K-12 setting
- Regulations set forth a formal complaint process for investigating and responding to complaints of sexual harassment.
- Schools may not be deliberately indifferent in their responses to complaints of sexual harassment.

WJ

Prohibited Sexual Harassment

- Any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access
- Quid pro quo (by employees)
- Sexual assault
- Dating violence
- Domestic violence
- Stalking

WJ

Prohibited Sexual Harassment (con't)

<p>Domestic Violence is a pattern of abusive behavior in a relationship that is used by one partner to maintain power and control over another partner or former intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behavior that intimidates, manipulates, humiliates, isolates, frightens, terrorizes, coerces, threatens, hurts, harms, or wounds someone.</p>	<p>Sexual Assault is any type of sexual contact or behavior that occurs without consent of the recipient. Falling under the definition of sexual assault is sexual activity such as forced sexual intercourse, sodomy, oral sex, fondling, and attempted rape. It includes sexual acts against people who are unable to consent either due to age or lack of capacity.</p>
<p>Stalking is a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear. Stalking is dangerous and can often cause severe and long-lasting emotional and psychological harm to victims. Stalking often escalates over time and can lead to domestic violence, sexual assault, and even homicide. Stalking can include engineering communications, direct or indirect threats, and harassing a victim through the internet.</p>	<p>Dating Violence is violence and abuse committed by a person in a recent or former dating partner. Dating violence often involves a pattern of escalating violence and abuse over a period of time. Dating violence covers a variety of actions, and can include physical abuse, psychological and emotional abuse, and sexual abuse. It can also include "digital abuse." The use of technology, such as smartphones, the internet, or social media, to intimidate, harass, threaten, or isolate a victim.</p>

Source: United States Department of Justice
<https://www.justice.gov/file/29836/download>

WJ

Definitions

- **Complainant** – individual who is alleged to be the victim of conduct that could constitute sexual harassment
 - A parent does not become a Complainant but can act on behalf of a student Complainant
- **Respondent** – individual who is reported to be the perpetrator of conduct that could constitute sexual harassment
- **Formal complaint** – a document filed by a complainant or signed by the T9C alleging sexual harassment against a respondent *and* requesting that the school investigate the allegation
- **Supportive measures** – individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment

WJ

Advisors

- Complainants and Respondents may be represented by an advisor of their choice at any point in the process.
- Advisors may be, but need not be, an attorney.
- Ensure appropriate FERPA releases for any non-parent advisors.

WJ

Jurisdiction for Formal Complaint

- **Education program or activity** – locations, events, or circumstances over which the school exercises substantial control over both the respondent and the context in which the harassment occurs
- At the time of the Formal Complaint, the Complainant must be participating in or attempting to participate in the school's education program or activities.
- The fact that the respondent (the accused) is no longer enrolled in or employed by the school does not deprive the school of its ability to process the complaint.

WJ

Title IX Regulations – Roles & Responsibilities

- Title IX Coordinator
- Investigator
- Decision Maker
- Appellate Decision Maker
- Informal Resolution Facilitator



WJ

Title IX Formal Complaint Process



WJ

Your Role as Title IX Coordinator



WJ

Impartiality in Complaint Process

- **Conflicts of interest**
 - Actual or apparent
 - Can arise from conflicting relationships, duties, financial interests, etc.
- **Bias/Prejudice**
 - Actual or apparent
 - Positive or negative
 - Can arise from personally held beliefs, ideals, sympathies, stereotypes

WJ

Impartially Coordinating Title IX

- **Ensure that no conflicts of interest exist upon receipt of report.**
 - Verify with all employees involved in process that no conflicts exist before assigning formal complaint.
- **Discard all preconceived notions and/or stereotypes concerning the parties.**
- **Objectively evaluate allegations in light of mandatory and permissive dismissal protocols.**
- **Implement supportive measures in a fair and equitable manner without presupposing guilt or innocence.**
- **Provide equal communication and access to both parties.**
- **Objectively evaluate and determine appeal eligibility.**

WJ

Ongoing Responsibilities

WJ

Know the Law/Teach the Law

- Ensure Title IX is implemented correctly and fairly at all times, including outside of the formal complaint process.
- Organize and present training as needed and required.
 - Maintain adequate documentation and comply with posting requirements.
 - Ensure training materials are free from bias and prejudice.
 - Ensure training materials comply with statutory requirements.

Be Accessible

- Identity of the T9C(s) should be widely shared.
 - District/campus websites
 - Board Policy
 - Employee/student handbooks
 - New employee training
 - Applications for employment
 - Email signature block
- Include contact information everywhere the T9C's name is shared
 - Title (if other than T9C)
 - Office address
 - Email address
 - Phone number (with voicemail box)

Intake

What constitutes a report?

- For purposes of the formal complaint process, a report is a notification to the Title IX coordinator of conduct that meets the definition of sex discrimination, including sexual harassment.
 - *Note:* the report may be for any type of sex discrimination, but the formal complaint process is only triggered when a report sounds in sexual harassment.
- Reports to other administrators may trigger the District's obligation to respond in a manner that is not deliberately indifferent.



Who may submit a report?

- Any person may report sex discrimination, whether or not the person reporting is the alleged victim of sex discrimination or sexual harassment.
- Anonymous reports may trigger the formal complaint process or the District's obligation to investigate and respond.



How may a report be submitted?

- Reports may be submitted in person, by mail, by telephone, or by e-mail.
- Reports may also be submitted by any other means that result in the Title IX Coordinator receiving the person's verbal or written report.
- Reports may be made at any time, including non-business hours.



SCENARIO A

A bus driver reports to you that (s)he witnessed a student inappropriately touch another student on the bus.

- Is this a formal complaint?
- What are your next steps?

WJ

Meeting with Complainant

- Upon receipt of report of conduct that may constitute sexual harassment, promptly contact the Complainant to:
 - Discuss the availability of supportive measures and inform Complainant that supportive measures are available outside of the formal complaint process;
 - Consider the Complainant's wishes with respect to supportive measures; and
 - Explain to the Complainant the process for filing a formal complaint.
- T9C must also inform Complainant whether or not the allegations would meet the definition of sexual harassment if a formal complaint is filed.

WJ

Supportive Measures

- Individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment.
- The District's selection of supportive measures and remedies must not be clearly unreasonable in light of the known circumstances.
- The Department of Education "does not second guess a school's disciplinary decisions, but requires the school to offer supportive measures, and provide remedies to a Complainant whenever a Respondent is found responsible."

WJ

Supportive Measures (cont'd)

- Supportive measures must be offered to both Complainant and Respondent (as appropriate), regardless of whether a Formal Complaint is filed.
- Examples of supportive measures may include:
 - Counseling about inappropriate behavior and educational conversations;
 - Explaining to a Respondent in detail the District's anti-sexual harassment policy and expectations of appropriate conduct;
 - Temporarily sending a student to the principal's office;
 - Changing seating assignments or class assignments;
 - Providing other counseling, to include referral to outside agencies;
 - Extending deadlines or other course-related adjustments including retaking exams or completing makeup work;

WJ

Supportive Measures (cont'd)

- Examples of supportive measures may include (cont'd):
 - Implementing mutual or unilateral restrictions on contact between parties;
 - Identifying specific campus employees to serve as regular points of contact for each party;
 - Modifying class or activity schedules;
 - Escorting parties when on campus;
 - Changing campus assignments;
 - Increasing security and monitoring of certain areas of the campus; or
 - Other similar measures designed to help a student stay in school and on track academically, protect the safety of a student, or deter sexual harassment.

WJ



EL PASO INDEPENDENT
SCHOOL DISTRICT

El Paso County
8001 Broadway
El Paso, TX 79925
Phone: 915.225.2288
www.esd.net

The implementation of Supportive Measures is the responsibility of the Title IX Coordinator and all Supportive Measures shall remain confidential to the extent possible.

This form is for the Title IX Coordinator to document for the District the Supportive Measures implemented for a particular complaint.

SUPPORTIVE MEASURES: Please check the Supportive Measures, if any, taken during the course of the investigation to ensure student safety and prevent further potential misconduct.

- ☐ Campus staff was directed to monitor students and report any conduct by a student that could indicate sexual harassment. Date and method of notification to staff: _____
- ☐ Extensions of deadlines or other course related adjustments were offered to:
☐ Complainant ☐ Respondent ☐ Both
- ☐ Modifications of work or class schedules were offered to:
☐ Complainant ☐ Respondent ☐ Both
- ☐ Campus support services were offered to:
☐ Complainant ☐ Respondent ☐ Both
- ☐ Mutual restrictions on contact between Respondent and Complainant were implemented (The mutual restrictions should be in writing and confirmed by each party with their signature. The written mutual restrictions with confirmation of each party should be attached to this document.)
- ☐ Respondent and Complainant were placed in separate classrooms.
- ☐ Educational conversation explaining in detail the District's anti-sexual harassment policy and Student Code of Conduct expectations.
☐ Respondent
- ☐ Permanent schedule change(s) will be made by instructor.

WJ

Emergency Removal

- **Student Respondent may be removed from education program or activity *after* an individualized safety and risk analysis resulting in a determination that the Respondent poses an immediate threat to the physical health or safety of any student or other individual.**
 - Must provide written notice and an opportunity to immediately appeal.
 - Exception for students receiving services under IDEA and Section 504.
- **Non-student employees may be placed on administrative leave during Formal Complaint process.**
 - Administrative leave for sexual harassment allegations is only available after a Formal Complaint has been filed.

WJ

SCENARIO B

You received a report from the Complainant's parent that the Complainant's ex, also a student at EPISD, has been sending embarrassing (non-sexual) images to their classmates and spreading (non-sexual) rumors about the Complainant.

- What do you tell the Complainant and the Complainant's parent at the initial meeting?
- What supportive measures are you prepared to offer?
- Are there any other follow-up steps to consider?

WJ

SCENARIO B

After the cyberbullying investigation concludes, the Complaint reports to you that the ex cornered the Complainant in the hallway and said "I'll show you cyberbullying" before pulling the Complainant into a custodial closet and groping the Complainant.

- What do you tell the Complainant and the Complainant's parent at the initial meeting?
- What supportive measures are you prepared to offer?
- What if the Complainant declines to sign a Formal Complaint?

WJ

SCENARIO A

You are preparing for your meeting with the Complainant involved in the bus incident. What supportive measures are you prepared to offer during the meeting?

- What if the Complainant rejects these supportive measures?
- What if the Respondent objects?

WJ

Filing a Formal Complaint

- The Complainant may choose to submit a formal complaint.
 - A document signed by the Complainant alleging sexual harassment against a respondent and requesting the school to investigate.
- If the Complainant decides not to submit a formal complaint, the T9C may sign and submit a formal complaint requesting an investigation.
 - The T9C should respect the Complainant's decision not to file a formal complaint unless the T9C determines that filing a formal complaint against the Complainant's wishes is not clearly unreasonable in light of the known circumstances.
 - Signing a formal complaint does not make the T9C a party to the proceedings.
- Complaints may be consolidated if the allegations arise out of the same facts.

WJ



Education Center
401 S. El Paso St.
El Paso, TX 79901
Phone: (915) 555-1000
www.esd.net

FORMAL COMPLAINT FORM (TITLE IX SEXUAL HARASSMENT)

Instructions for filing and this form: If you believe that you have been the victim of sexual harassment, please fill out this form, sign where indicated below, and submit it by hand delivery, electronic mail, or U.S. mail using the United States Postal Service for the Title IX Coordinator for students and PEPPERS for the school administration (see the Title IX Coordinator for employees at ESDEHS).

This formal complaint form is intended for use by the alleged victim of Title IX sexual harassment (referred to as the Title IX Complainant) or the Complainant's parent or guardian. It must be signed by the Title IX Complainant or the parent or guardian of the Title IX Complainant. It must be signed by the Title IX Complainant or the parent or guardian of the Title IX Complainant.

If you are not filing this form out as a parent or guardian and you intend to report sexual harassment against another person in the District's educational program or activities, please report your concerns to the District's Title IX Coordinator so that the District can take further action. Under federal law, only an alleged victim of sexual harassment who is currently participating or attempting to participate in the District's educational program or activity may file an informal complaint, as described above, or an equivalent for employment or admissions law. The right to use the formal complaint process to initiate an investigation. This District will process all formal complaints in accordance with Title IX, 20 U.S.C. 1062, and its regulations, 34 CFR 106.30 and 106.31.

Please print or type when completing this form.

Name of complainant: _____
Address: _____
Telephone number: _____
Email address: _____
Is the complainant participating in or attempting to participate in the District's educational program or activity? (Check one)
☐ Yes ☐ No

If you are a parent or guardian filing this form out on behalf of a minor complainant, please provide your contact information below.

Name: _____
Address: _____
Telephone number: _____
Email address: _____

1-2-4

WJ

SCENARIO B

Complainant declined to pursue a formal complaint for the alleged groping in the closet. Before your meeting, you had reviewed Respondent's file and saw that Respondent had been accused of alleged inappropriate and/or sexual contact at school on at least three prior occasions during previous school years.

- How do you handle Complainant's accusations in light of this information?
- Must you recuse yourself from the process based on your decision?

WJ

Notice of Allegations

- T9C must notify all known parties of the allegations upon receipt of a Formal Complaint, **before** any initial interview.
- Identities of involved parties
- Conduct allegedly constituting sexual harassment
- Date and location of alleged incident
- Statement that Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process
- Statement that parties may have an advisor of their choice
- Statement that parties will be afforded an opportunity to review evidence
- Notice of any provision in the SCC/employee handbook that prohibits knowingly making false statements or knowingly submitted false information
- Must supplement notice if new allegations are added to investigation

WJ

Letter to Complainant



Education Center
601 West 22nd
El Paso, TX 79902
Phone: (915) 521-2200
www.esd.net

[Parent/Guardian Name]
[Address]
[City]
[State]
[Zip]

Re: Allegation of Sexual Harassment toward your Child

Dear [Parent/Guardian Name]:

This notice is provided to you pursuant to Title IX and the District's policies and procedures. On [Insert date], your student, [Insert name], filed a formal complaint against [Insert name of Respondent/Offender]. Respondent's conduct is presumed to be responsible for the alleged conduct until a determination of responsibility is made at the end of the Title IX investigation process, also called the "Sexual Harassment Grievance" process.

The details of the allegation are as follows: [Insert name of the parties, details of the allegation including the conduct alleged, and the date and location of the incident].

Both parties have the right to an advisor, which may or may not be an attorney, and the right to request and have the opportunity to review the investigation report and provide a written response to the letter of this notice.

It should be noted that providing false statements or submitting false information are violations of the Student Code of Conduct and any party to this investigation determined to have provided false statements or submitted false information will be subject to disciplinary action. Additionally, questions or evidence about the Complainant's conduct should be reported to the Title IX Coordinator or the appropriate other staff member who can assist with the investigation.

I am the Title IX Coordinator and will be your point of contact with respect to the sexual harassment grievance process. You can reach me at [Insert phone and email].

Sincerely,
Title IX Coordinator

Letter to Respondent



Education Center
601 West 22nd
El Paso, TX 79902
Phone: (915) 521-2200
www.esd.net

[Parent/Guardian Name]
[Address]
[City]
[State]
[Zip]

Re: Allegation of Sexual Harassment by your Child

Dear [Parent/Guardian Name]:

This notice is provided to you pursuant to Title IX and the District's policies and procedures. On [Insert date], a formal complaint was filed against [Insert name of Respondent/Offender]. Respondent's conduct is presumed to be responsible for the alleged conduct until a determination of responsibility is made at the end of the Title IX investigation process, also called the "Sexual Harassment Grievance" process.

The details of the allegation are as follows: [Insert name of the parties, details of the allegation including the conduct alleged, and the date and location of the incident].

Respondent has the right to an advisor, which may or may not be an attorney, and the right to request and review evidence. An investigation will be conducted and prior to a determination being made you will have the opportunity to review the investigation report and submit written questions you would like asked of any party.

It should be noted that providing false statements or submitting false information are violations of the Student Code of Conduct and any party to this investigation determined to have provided false statements or submitted false information will be subject to disciplinary action. Additionally, questions or evidence about the Complainant's prior sexual behavior is not allowable unless offered to prove consent or that someone other than Respondent committed the alleged acts.

I am the Title IX Coordinator and will be your point of contact with respect to this sexual harassment grievance process. You can reach me at [Insert phone and email].

Sincerely,
Title IX Coordinator

WJ

Mandatory Dismissal

- A formal complaint must be dismissed if:
 - The allegations in the complaint do not meet the definition of sexual harassment; or
 - The allegations did not occur in the school's education program or activity.
- Even if a formal complaint is dismissed, the District may address the allegations "in any manner the school deems appropriate under the school's own code of conduct."
- A person may not be disciplined for sexual harassment unless the person is found responsible in the formal complaint process.
- Notice of dismissal must contain information on how to appeal.

WJ

Discretionary Dismissal

- A complaint may be dismissed for the following reasons:
 - Complainant submits a written request to withdraw the complaint;
 - Respondent is no longer enrolled or employed by the school; or
 - Specific circumstances prevent the school from gathering sufficient evidence to reach a determination.
- Must provide written notice containing the reason(s) for dismissal.

WJ



Education Center
4001 S. 10th St.
El Paso, TX 79905
Phone: (915) 534-0000
www.esisd.org

[Date]

[Parent/Guardian Name]
[Address]

[Via Hand Delivery or Certified Mail (RM)]

Re: Dismissal of Allegation of Sexual Harassment

Sir/Ms:

This Notice of Dismissal is provided to you pursuant to Title IX and the District's policies and procedures. On [Insert date] an allegation of sexual harassment was filed by [Insert Complainant's name] against [Insert Respondent's name].

The details of the allegation are as follows: [Insert name of the parties, details of the allegation including the conduct alleged, and the date and location of the incident].

After reviewing the allegation this complaint is dismissed for the following reason:

- ❑ Does not constitute sexual harassment as defined by law and policy;
- ❑ Did not occur in the District's education program or activity;
- ❑ The Complainant was not a person in the United States;
- ❑ The Complainant has, in writing, withdrawn his/her Formal Complaint and any allegations therein;
- ❑ The Respondent is no longer enrolled or employed by the District; or
- ❑ Specific circumstances exist that prevent the District from investigating sufficiently to reach a determination.

❑ The Complainant no longer has any involvement with the District.

Should either the Respondent or the Complainant wish to appeal this dismissal you may do so pursuant to the provisions in Board Policy 919. If you have any questions, please do not hesitate to contact me.

Sincerely,

WJ

Appealing Dismissal

- Either party may appeal a dismissal for any (or all) of the following grounds:
 - Procedural irregularity that affected the outcome of the matter;
 - Newly discovered evidence that could affect the outcome of the matter; or
 - Title IX personnel had a conflict of interest or bias that affected the outcome of the matter.
- The appeal and any arguments supporting or opposing the appeal will be submitted to the Appeals Decision Maker at this point.
- Depending on the outcome of the appeal, the complaint may come back to the T9C.

WJ



EL PASO INDEPENDENT
SCHOOL DISTRICT

Education Center
4501 Bering Dr.
El Paso, TX 79907
Phone: (915) 233-2200
www.eisd.org

Appeal from the Determination Regarding Responsibility

- A. Appeal Filed By (check one or both, as applicable):
- ☐ Complainant
 - ☐ Respondent
- B. Grounds for Appeal:
- ☐ Procedural irregularity that affected the outcome of the matter;
 - ☐ New evidence that was not reasonably available at the time the determination regarding responsibility was made and which could possibly affect the outcome of the matter; and
 - ☐ There was a conflict of interest or bias, against respondent and complainant, generally or this Respondent and/or Complainant specifically that affected the outcome. The conflict of interest or bias was exhibited by: (Check as applicable)
 - ☐ Investigation
 - ☐ Decision-Maker
- (If no box is checked the appeal is not valid and shall be immediately dismissed)
- C. Notify both parties of the Appeal.
- D. Both Parties must submit a written statement in support of or challenging the Determination. (This must be filed within 5 business days of filing the appeal.)

WJ

SCENARIO A

During the meeting with the Complainant, the Complainant tells you that the Respondent touched the Complainant's elbow only. However, the issues between Complainant and Respondent have been ongoing and Complainant thinks filing a Formal Complaint will finally put an end to the issues. Complainant signs and submits a Formal Complaint.

- What are your next steps?

WJ

Assigning an Investigator

- The T9C may serve as the investigator if necessary.
- Verify in writing that the investigator assigned to any particular complaint is free from conflict.
- Provide entire complaint file to investigator and assist with coordinating investigation as needed.
- Be readily available to answer any questions about procedure during the investigation.
- Check in periodically during process and enforce appropriate investigation timeline.
- Ensure compliance with notice and production requirements.

WJ

Continued Involvement

WJ

Informal Resolution

- T9C may offer, but may not require, informal resolution at any point after a Formal Complaint is filed.
- Both parties must give voluntary, informed, written consent to attempt informal resolution.
- Informal resolution is not available to resolve allegations that an employee sexually harassed a student.
- Either (any) party has the right to withdraw from informal resolution process prior to agreeing to a resolution.
- Set expectations regarding timeline to resolve

WJ

Informal Resolution (cont'd)

- In some circumstances, informal resolution is not appropriate and may constitute deliberate indifference.
 - Safety and risk analysis
 - Nature of alleged conduct
 - Multiple alleged victims
 - Pattern of conduct
 - Other identified risks to campus safety



SCENARIO B

The Complainant tells other students about the formal complaint, and word begins to spread. Before you know it, you've received three more reports from other students. However, Complainant is tired of being asked questions about the investigation and wants to settle the situation without further investigation. Complainant requests an informal resolution.

- Do you approve an informal resolution?
- Do you consolidate the complaints?



SCENARIO B

You did not allow for informal resolution, so the Complainant now wants to withdraw the Formal Complaint. None of the other possible complainants are willing to file a Formal Complaint because Complainant told them it was a "difficult" process.

- Do you dismiss the complaint based on Complainant's request to withdraw?
- Do you file a Formal Complaint on behalf of any other Complainant?



Breach of Resolution Agreement

- If either party breaches the terms of an agreed-upon resolution agreement, coordinate with the appropriate campus administrator regarding appropriate consequences for the breach.
- If the breach results in new concerns regarding alleged sexual harassment, the Title IX process will start over.

WJ

Evidence Review

- T9C should review all evidence at the same time as the parties to ensure Investigator has made correct determinations as to relevance.
- Relevant evidence is evidence that has some probative value for purposes of determining whether the conduct alleged actually occurred.
 - 1. Does the evidence tend to make a fact more or less probable than it would be without the evidence?
 - 2. Is that fact of any consequence in determining the existence of sexual harassment?

WJ

Evidence Review (cont'd)

- Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant unless:
 - 1. The questions/evidence are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant; or
 - 2. The questions/evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
- T9C should be available to consult with Investigator as needed during evidence gathering/production and while the investigative report is being prepared.

WJ

Decision Phase

- After investigation report is sent to all parties and advisors, assign a Decision Maker and forward entire investigative file.
- Oversee exchange of written questions and answers in conjunction with Decision Maker.
- Ensure Determination of Responsibility is not issued before the parties have had an opportunity to exchange written questions and answers.
- Consult with Decision Maker as needed during the question and answer process and preparation of the Determination of Responsibility.

WJ

Appealing Determination

- Either party may appeal the Determination for any (or all) of the following grounds:
 - Procedural irregularity that affected the outcome of the matter;
 - Newly discovered evidence that could affect the outcome of the matter; or
 - Title IX personnel had a conflict of interest or bias that affected the outcome of the matter.
- The appeal and any arguments supporting or opposing the appeal will be submitted to the Appeals Decision Maker at this point.
 - Depending on the outcome of the appeal, the complaint may go back to the Investigator or the Decision Maker.

WJ



EL PASO INDEPENDENT
SCHOOL DISTRICT

Education Center
2001 Riverside
El Paso, TX 79902
Phone: 915.233.2200
www.eipsd.org

Appeal from the Determination Regarding Responsibility

A. Appeal Filed By (check one or both, as applicable):

- ☐ Complainant
☐ Respondent

B. Grounds for Appeal

- ☐ Procedural irregularity that affected the outcome of the matter;
☐ New evidence that was not reasonably available at the time the determination regarding responsibility was made and which could possibly affect the outcome of the matter; and
☐ There was a conflict of interest or bias against respondent and complainant generally or this Respondent and/or Complainant specifically that affected the outcome. The conflict of interest or bias was exhibited by: (Check as applicable)
☐ Title IX Coordinator;
☐ Investigator;
☐ Decision Maker

(If no box is checked the appeal is not valid and shall be immediately dismissed)

C. Notify both parties of the Appeal.

- D. Both Parties must submit a written statement in support of or challenging the Determination. (This must be filed within 5 business days of filing the appeal.)

WJ

Appealing Determination (cont'd)

- Receive appeal form and issue notice of appeal to all parties.
 - Invite parties to submit arguments in favor of or in opposition to appeal.
- Assign Appeals Decision Maker
- Provide entire grievance file—including appeals arguments—to Appeals Decision Maker

WJ

Administrative and Follow-Up Duties

WJ

Recordkeeping

- Seven year retention period
 - All investigation files (including pleadings, recordings, supportive measures, remedies, etc.)
 - All appeals and results
 - All informal resolution files and results
 - All training materials
 - Must also be posted on the website

WJ

Follow-Up

- Ensure that all remedies, supportive measures, and discipline are appropriately administered.
- Document and correct any concerns that arise during the grievance process
 - Implement remedial training if necessary
- Follow up with parties within a reasonable time to ensure all remedies and supportive measures are effective and offer additional supports as needed.



WJ



WJ

EPISD Title IX Resources

- Title IX Portal (<https://www.episd.org/Page/10346>)
- Title IX Coordinators

Students	Employees
Kelly Ball, Section 504 Coordinator	Rosa Ramos
3700 Thomason Ave.	1100 N. Stanton
El Paso, Texas 79904	El Paso, Texas 79902
kball@episd.org	rramos@episd.org
(915) 230-2856	(915) 230-2031
- General Counsel (<https://www.episd.org/domain/193>)



WJ




