



CENTRAL COLUMBIA

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570-784-2850 Ext. 2000
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Elementary School Office
570-784-2850 Ext. 1000
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CONFIDENTIAL

[Date]

[Name]

In re: Title IX Complaint – Written Determination

Dear _____:

As you are aware, the [name] School District has designated me as the decision-maker relative to the above-referenced complaint. A Written Determination regarding Responsibility rendered in regard to the complaint is attached and discusses the outcome of this matter. [Optional: may include brief sentence stating the outcome and that further detail is included in the Written Determination]

The Written Determination is being provided to both parties simultaneously. Please note that each party has a right to appeal a determination of responsibility and/or dismissal of a Complaint or specified allegations within it. Important information regarding the scope, timelines, and procedures for pursuing an appeal are included with the Written Determination and should be reviewed carefully.

*Sincerely,
[Name of Decision-Maker]*

Cc: Title IX Coordinator

Central Columbia School District
Complaint No. _____

WRITTEN DETERMINATION

Introductory Matters

This Written Determination addresses a Formal Complaint alleging sexual harassment in violation of Title IX of the Education Amendments Act of 1972 and related School Policies and Code of Conduct provisions of the *[Insert Name]* School District, as further specified below. The parties and designated Title IX officials involved in this matter are as follows:

Complainant:	<i>[Name, Title/Position/Relationship]</i>
Respondent: :	<i>[Name, Title/Position/Relationship]</i>
Title IX Coordinator:	<i>[Name, Title/Position/Relationship]</i>
Designated Investigator:	<i>[Name, Title/Position/Relationship]</i>
Decision-Maker:	<i>[Name, Title/Position/Relationship]</i>
Appeal Authority:	<i>[Name, Title/Position/Relationship]</i>

[Insert name here], has been designated to as the decision-maker for purposes of rendering a determination regarding responsibility, based on an objective evaluation of the relevant evidence produced as a result of the investigation into the subject allegations in accordance with the School District's Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints published as Policy *[103-AR-3 or other Policy No.]* and Title IX Regulations published at 34 C.F.R. Part 106.

This Written Determination has been drafted and completed following the provision of an equal opportunity for each party to review the Investigative Report rendered in this matter and to exchange written questions and answers in follow up to receipt of the Report.

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Introductory Matters

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I. ALLEGATIONS AND PERTINENT BACKGROUND:

A. Allegations of Initial Report/Formal Complaint:

[Describe allegation and pertinent background information here; include dates allegations were first submitted and to whom, reference and/or quote/summarize intake form and formal complaint; break down into a numbered list, if possible, each allegations for which a determination of responsibility must be made]

A. Additional Allegations:

[If applicable describe any allegations that arose additionally in the course of the investigation in the same fashion as described above]

C. School Policies and Code of Conduct Provisions Implicated:

[List or Describe in a narrative the School Board Policies and Code of Conduct provisions potentially violated and/or implicated and reference specific provisions addressing allegations at issue]

II. PROCEDURAL HISTORY

[Provide a description of the procedural steps taken from the receipt of the formal complaint through the determination, including all notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; This can appear in list form and should include dates, akin to timeline. It must include dates and notices of issuance of Investigative Report, date of any responses made to same, etc. The examples provided below are only a sampling of some of the Notices that will have been issued; all notices issued in the specific case must be included]

[Receipt of Initial Report/Intake if applicable]

Date/Manner of Issuance: *[Date/Mode of Delivery -U.S. mail, email, etc.]*

Sender: *[Name, Title]*

Recipient(s): *[Name, Title/Position/Party or Witness Status]*

Submission/Filing of Formal Complaint

Date/Manner of Issuance: *[Date/Mode of Delivery -U.S. mail, email, etc.]*

Sender: *[Name, Title]*

Recipient(s): *[Name, Title/Position/Party or Witness Status]*

Notice of Allegations Issued to Complainant:

Date/Manner of Issuance: *[Date/Mode of Delivery -U.S. mail, email, etc.]*

Sender: *[Name, Title]*

Recipient(s): *[Name, Title/Position/Party or Witness Status]*

Notice of Allegations Issued to Respondent:

Date/Manner of Issuance: *[Date/Mode of Delivery -U.S. mail, email, etc.]*

Sender: *[Name, Title]*

Recipient(s): *[Name, Title/Position/Party or Witness Status]*

Notice of Investigation/Scheduling Issued to Parties/Witnesses

Date/Manner of Issuance: *[Date/Mode of Delivery -U.S. mail, email, etc.]*

Sender: *[Name, Title]*

Recipient(s): *[Name, Title/Position/Party or Witness Status]*

Interviews conducted with Parties and Witnesses

[List by Name: Date, Location/Mode of Interview]

Other Information Gathered

[List written submissions by sender, recipient, and date; identify dates of any site visits, etc]

Investigator's Production of Evidence for Inspection and Review

Date/Manner of Issuance: *[Date/Mode of Delivery -U.S. mail, email, etc.]*

Sender: *[Name, Title]*

Recipient(s): *[Name, Title/Position/Party or Witness Status]*

Investigative Report Issued to School Entity, Complainant, Respondent

Date/Manner of Issuance: *[Date/Mode of Delivery -U.S. mail, email, etc.]*

Sender: *[Name, Title]*

Recipient(s): *[Name, Title/Position/Party or Witness Status]*

Notice of Rights to Submit Written Questions following Receipt of Report

Date/Manner of Issuance: *[Date/Mode of Delivery -U.S. mail, email, etc.]*

Sender: *[Name, Title]*

Recipient(s): *[Name, Title/Position/Party or Witness Status]*

[Written Questions and Answers Exchanged between Parties/Witnesses (if any)]

Date/Manner of Issuance: *[Date/Mode of Delivery -U.S. mail, email, etc.]*

Sender: *[Name, Title]*

Recipient(s): *[Name, Title/Position/Party or Witness Status]*

III. AUTHORITY AND EVIDENTIARY STANDARD

A. Jurisdiction/Authority

The Central Columbia School District has jurisdiction to investigate and issue a Determination this matter, in accordance with District Policy *[103]* which addresses the District's obligations and authority to investigate allegations of Title IX sexual harassment as well as policies and/or provisions of the School's Code of Conduct to which the allegations may relate.

Jurisdiction and utilization of the Title IX grievance process has been deemed appropriate based on the following findings of fact:

1. The School Entity is a recipient of federal funds governed by Title IX of the Education Amendments Act of 1972.
2. The allegations in this matter are asserted as occurring within or against a person the United States.
3. The allegations in this matter are asserted as occurring within the scope of the School District's educational programs and/or activities
4. The Complainant and Respondent are currently actively participating in the School District's educational programs and/or activities.
5. The allegations, if proven, would constitute sexual harassment in violation of Title IX of the Education Amendments Act of 1972.

[Note: If any of the numbered items above are determined not to be accurate, the dismissal of the Complaint may be mandated, or permitted, on this basis]

A. Evidentiary Standard

In order to render a determination regarding responsibility based on the allegations asserted Central Columbia School District Policy *[insert policy number here]*, provides that the standard of evidence required is a preponderance of evidence. As such, the relevant inquiry is whether the evidence demonstrates that it is more likely than not that particular events or conduct occurred, and/or that a fact is more likely to be true and accurate than not. This standard is often referred to as "50 percent plus a feather."

Pursuant to a preponderance of evidence standard, the party bearing the burden of proof must present evidence which is more credible and convincing than that presented by the other party or which shows that the fact to be proved is more probable than not.

Credibility is the process of weighing the accuracy and veracity of evidence. To assess credibility, the source, content, and plausibility of what is offered must be evaluated. When source, content, and plausibility are strong, credibility is strong. Some aspects of credibility are weighted based on neutrality, impartiality, and objectivity.

Credibility is best established through corroboration, which is provided through sufficient independent evidence to support the fact at issue. Credibility assessments are not ever based on an individual's status as a Complainant, Respondent, or Witness.

In accordance with Title IX regulations and corresponding School District policy, the Respondent is at all times during the course of the grievance process and investigation presumed not to have committed the conduct alleged, unless and until such time that a Determination of Responsibility has been made.

IV. RESPONSIBILITY DETERMINATION

In accordance with Title IX regulations and corresponding School District policy, the following is addressed below with respect to each of the allegations raised in this matter: A) Findings of Fact Supporting the Determination; B) Conclusions regarding the application of the School Entity's Code of Conduct and/or Board Policies to the Facts; and C) Responsibility Determination and Rationale, including, where applicable, a discussion of any Disciplinary Sanctions and Remedies to be Provided.

Allegation 1:

[Describe allegation, may include brief statement of outcome at the end, as responsible/not responsible, before proceeding to Parts A B and C]

FINDINGS OF FACT SUPPORTING THE DETERMINATION

[List or describe in narrative form all facts deemed to support the determination made regarding the allegation, by a preponderance of the evidence. If appropriate, any determinations of credibility may be addressed here as well as within the sections below]

CONCLUSIONS REGARDING APPLICATION OF CODE OF CONDUCT/BOARD POLICIES

[Discuss provisions of code of conduct and policies at issue and whether or not the a preponderance of the evidence indicates that they have been violated]

DETERMINATION OF RESPONSIBILITY AND RATIONALE

1. RATIONALE

[Include a statement of, and rationale for, the result as to each allegation, including an express statement of the determination regarding responsibility, assessment of the facts in accordance with the preponderance of the evidence standard, and if applicable, any assessment of credibility made, in order to reach the conclusion of whether the allegation was substantiated, i.e. whether the conduct occurred and whether the Respondent is responsible for said conduct.]

2. DISCIPLINARY SANCTIONS

[any disciplinary sanctions the recipient imposes on the respondent must be discussed here, or else it should be confirmed as to why any such sanctions have not been imposed, i.e. because there was no finding of responsibility or violation of codes of conduct/board policies.]

3. REMEDIES

[Must state whether remedies designed to restore or preserve equal access to the recipient's education program or activity have been or will be provided by the recipient to the complainant and what those will be, may include supportive measures or other remedies]

Allegation 2: *[Continue in same fashion as above until all allegations are addressed].*

V. NOTICE OF RIGHTS TO APPEAL AND APPEAL PROCEDURES

Each party to this matter has a right to appeal a determination of responsibility and/or the dismissal of any Formal Complaint or allegation contained within it, within [*insert number indicated in policy*] days after the date of the Written Determination indicated below.

A notice detailing important information regarding the scope and basis on which an appeal may be sought and the procedures and timelines for an appeal are provided on the last page(s) of this Written Determination and should be reviewed carefully.

If an appeal is filed, this Written Determination will be deemed final as of the date indicated below, which is likewise the date on which it is being provided to both parties.

If an appeal is not filed, this Written Determination shall become and be deemed final upon the expiration of appeal period, i.e. days from the date indicated below.

This Written Determination is rendered following an objective evaluation of all relevant evidence this day of , 20xx, by:

Christina E. Fish/Title IX Coordinator

TITLE IX APPEAL RIGHTS AND PROCEDURES

Each party to this matter has a right to appeal a determination regarding responsibility and/or the dismissal of any Formal Complaint or allegation contained within it, by submitting written notice to the Title IX Coordinator within 10 school days after the date of the Written Determination.

In accordance with the School District's Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints published as Policy [*103-AR-3 or other Policy No. assigned*] and Title IX Regulations published at 34 C.F.R. Part 106, the scope of appeals related to Title IX sexual harassment is limited. The Appeal must be based on one of the following reasons:

1. A procedural irregularity occurred and affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and/or
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent, and such conflict or bias affected the outcome of the matter.

Written Notice of Appeal must be submitted to the appeal shall be submitted to Christina Fish, Title IX Coordinator, within 10 school days after the date of the written determination. The Party's Notice of Appeal should include a brief statement describing which of the above-referenced reasons serves as the basis for the appeal and why.

Mrs. Christina Fish, Title IX Coordinator, shall ensure that the designated Appeal Authority is not the same person as the Decision-Maker that reached the determination, the investigator, or the Title IX Coordinator. The designated appeal authority shall be Mr. Jeff Groshek.

Once an appeal has been filed, the following procedures and process will apply:

1. The Designated Appeal Authority will issue a Notice of Appeal Filing to the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.

2. Both parties will be afforded a reasonable, equal opportunity to submit a written statement in support of or challenging the stated basis for the appeal.

- a. Appealing Party's Written Statement. An Appealing Party will be afforded an opportunity to submit a written statement in support of the Appeal. This statement should describe in detail, as applicable, the procedural irregularities asserted to have affected the outcome of the determination, the nature of any new evidence asserted to have affected the outcome, and the nature of any bias asserted to have affected the outcome, with an explanation of how the outcome was affected by such factors. If the party has evidence which exists and supports the appeal it shall accompany the supporting statement, or else the Statement shall identify where such evidence may be found.

The Appealing Party's supporting statement must be submitted to Christina Fish and provided to the other party within 10 school days following the date of the submission of the party's Notice of Appeal to the Title IX Coordinator.

- b. Responding Party's Written Statement. A Responding Party to an appeal will be afforded an equal opportunity to submit a written statement in opposition to the Appeal. This statement should describe, in detail, the basis for the Responding Party's opposition to the appeal, including the basis for opposing, as applicable, the Appealing Party's assertion of procedural irregularities affecting the outcome of the determination, of any new evidence affecting the outcome, and the nature of any bias asserted to have affected the outcome, with an explanation of how the outcome was affected by such factors. If a statement in opposition to an appeal refers to any evidence beyond what is described in a supporting statement, it shall accompany the statement in opposition, or else the Statement shall identify where such evidence may be found.

The Responding Party's Statement in opposition to the appeal shall be submitted to Christina Fish and provided to the other party within 10 school days of following the date of the submission of the Appeal Party's Written Statement.

3. The Appeal Authority may accept and consider evidence in support of or in opposition to an appeal in making any conclusions necessary to deciding the appeal. Alternatively, when the Appeal Authority determines that factors exist making it necessary for the decision-maker to further develop the evidentiary record relevant to the basis for appeal, the appeal authority may return the matter to the decision-maker for that limited purpose.

The Appeal Determination

Following the submission of the party's statements, the Appeal Authority will determine whether the appeal meets the ground for permitted reasons for appeal and justifies modifying the written determination, and will issue a written Appeal Determination setting forth the respects, if any, in which the written determination is modified and the rationale for the results within 10 school days.

The Written Appeal Determination will be provided simultaneously to both parties. A copy of the written decision shall also be provided to the Title IX Coordinator.

The Appeal Determination is final and binding.