

PUSD Title IX Notification of Rights and Procedures

Rights and Responsibilities. During this complaint process, the Respondent is presumed *not* to be responsible for the alleged misconduct unless and until a trained, impartial, non-biased decision-maker reaches a different determination. The decision-maker will not make a determination of responsibility until after an investigation where the Complainant and Respondent will be given an opportunity during the review and comment period to review all directly related and/or relevant evidence obtained during the investigation.

The Complainant and Respondent may each have an advisor of their choice, who may be, but is not required to be an attorney. The advisor may be present for any meeting, interview, or hearing during this complaint process, and the advisor may inspect and review any evidence obtained as part of the investigation. The advisor may assist with any written question and/or written cross-examination process.

The District prohibits the Complainant, Respondent and any witness from knowingly making false statements or knowingly submitting false information during the complaint process.

Investigation Process.

The District will assign an Investigator to investigate the sexual harassment allegations reported by Complainant.

This investigation will be conducted in a timely, thorough and impartial manner. The Investigator intends to interview the Complainant, relevant witnesses, and Respondent in a discrete and confidential manner. Disclosure of facts and allegations by the Investigator to persons interviewed will be limited to what is reasonably necessary to complete a fair and thorough investigation. You may bring an advisor of your choice, such as a parent, support person, or attorney to your interview or related meetings. The Investigator will keep Complainant and Respondent informed of the progress of this investigation.

The Investigator will also review any documents and other information relevant to the allegations. If you have any materials that you believe may be relevant to this investigation that you have not already submitted to the District, please send those to me or give copies to the Investigator during your upcoming interview, (e.g., emails, texts, instant messages, photos, social media postings, videos, notes or other documents). However, if you have photos or videos involving nudity or sexual activity of minors, please do not forward those to us at this time. The District may need to take certain precautions before viewing such materials. The Investigator may, however, ask you to recount what you observed to be contained in the relevant photo or video material. During the investigation, Investigator will inspect the evidence and assess the relevance, weight and credibility of the information provided. Please note, you must not tamper with or alter any evidence, and you must not tamper with or attempt to alter any witness testimony.

Prior to completing the investigation report, the Investigator will send to the Complainant and Respondent (and their respective advisors, if any) the evidence that has been gathered, likely in the form of a confidential Draft Report of Evidence. You and your advisor may inspect and review evidence and will have at least 10 days to submit a written response.

After reviewing any written responses, the Investigator will prepare a confidential Investigative Report that fairly summarizes the relevant evidence, and the Investigative Report will be forwarded to the Complainant and Respondent (and their respective advisors, if any.) Complainant and Respondent will both have at least 10 days to submit another written response regarding the Investigative Report.

PUSD Title IX Notification of Rights and Procedures

Decision-Maker and Determination of Responsibility. After the parties' review and comment period, the District will assign a trained, unbiased Decision-Maker, who is not the Title IX Coordinator or the investigator. Before the Decision-Maker reaches a determination regarding responsibility, the Complainant and Respondent will have the opportunity to submit written, relevant questions that a party wants the Decision-Maker to ask of another party or witness. The Decision-Maker will provide Complainant and Respondent with the answers, and allow for additional, limited follow-up questions from Complainant and Respondent. The Decision-Maker must explain any decision to exclude a question as not relevant.

After considering the Investigative Report and the answers to the written questions, the Decision-Maker will issue a written determination regarding responsibility. The Decision-Maker will make findings of fact, reach conclusions, explain the rationale, and determine whether policy has been violated based on a preponderance of the evidence standard (i.e. "it is more likely than not the allegation occurred or did not occur"). The Decision-Maker may also make recommendations for any sanctions against the Respondent or remedies for the Complainant, if applicable. The District will send the Complainant and Respondent a written decision, sometimes called a Notice of Outcome. The Notice of Outcome will explain how each party can file an appeal. If a finding is made that Respondent has not violated the District's policies, then the investigation will be closed, but the Complainant may still receive Supportive Measures.

If a finding is made that Respondent violated District policy, the matter will be referred to the applicable administrator, who will review any recommendations and determine and implement the appropriate disciplinary action for violation of the policy. Regardless of the outcome of the investigation, the District shall determine what occurred and whether any corrective actions or supportive measures are needed to prevent or address any issues discovered during the investigation. After exhausting any appeal procedure, the District will implement the sanctions for Respondent and remedies for Complainant, if any.

Timelines. The District endeavors to complete the investigation and complaint process within reasonably prompt time frames, typically within 60-90 calendar days of the time the formal complaint was filed. If the District has good cause to extend the time lines, the District will provide written notice to the Complainant and Respondent explaining the reasons for the delay and the needed extension.

Confidentiality. The District will keep the identity of the Complainant, Respondent and witness(es) confidential unless required by law or as necessary to carry out this complaint process. As such the District will, to the extent possible, maintain the privacy and/or confidentiality during the complaint process. However, the Complainant and Respondent are not restricted from discussing the allegations under investigation or from gathering and presenting relevant evidence during the investigation process needed to support their case, unless each party has signed a written agreement restricting the release of confidential information.

No Retaliation. The District or other person may not intimidate, threaten, coerce, or discriminate against any individual for the purpose 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 an investigation, proceeding, or hearing. If you believe you have been retaliated against, please contact this office immediately.