

NOTICE OF TITLE IX SEXUAL HARASSMENT COMPLAINT

This is a notice that a formal complaint containing allegations of sexual harassment has been filed with the **Apple Creek School District**. This notice is being provided to the complainant and the respondent in accordance with section 106.45(b)(2)(i)(B) of the Title IX sexual harassment regulations. The purpose of this written notice is to help ensure that the nature and scope of the investigation, and the district’s procedures, are clearly understood by all parties at the commencement of the investigation.

Complainant Name:

Last	First	Middle Initial
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Respondent Name:

Last	First	Middle Initial
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Date(s) of alleged incident(s): _____ Time of alleged incident(s): _____

Location of alleged incident(s): _____

Details of the conduct that potentially constitutes sexual harassment:

The following are a list of supportive measures available to the complainant and respondent prior, during, or after the filing of a formal complaint alleging sexual harassment:

1. _____
2. _____
3. _____

The following are a list of disciplinary actions the District may impose against the respondent following a determination of responsibility:

1. _____
2. _____
3. _____

The following are a list of remedies the District may provide to the complainant following a determination of responsibility:

1. _____
2. _____

3. _____

Please be advised of the following:

1. The District must recognize a presumption of non-responsibility on the part of the respondent as to the allegations of sexual harassment until a determination of responsibility is made at the conclusion of the grievance process set forth in the AAC-BR2 regulation, a copy of which is being provided along herewith;
2. The complainant and the respondent each have the right to the assistance of an adult advisor of their choice, including an attorney, throughout the grievance process;
3. The complainant, respondent, and their advisor are prohibited from knowingly making a materially false statement or providing materially false information in connection with the allegations of sexual harassment set forth in the formal complaint. Any party who violates this prohibition will be subject to discipline in accordance with the District's Code of Conduct policies;
4. The District may offer the parties an informal resolution procedure to resolve the allegations set forth in the formal complaint. This procedure may only be used when a formal complaint is filed containing allegations of sexual harassment, when the Title IX Coordinator deems it appropriate under the circumstances, and the complainant and respondent voluntarily consent to participate in writing. This procedure may not be used when the complainant is a student and the respondent is a District employee. Participation in the informal resolution procedure may not be a condition of enrollment or employment, or enjoyment of any other right. Both the complainant and the respondent have the right to terminate or withdraw from the informal resolution procedure and resume the formal resolution procedure at any time prior to agreeing to a resolution;
5. The District is required to conduct a fair and impartial investigation of the allegations of sexual harassment set forth in any formal complaint;
6. The parties have the right to advance written notice of the date, time, location, participants, and purpose of all investigative interviews;
7. The parties have the right to review all evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint. The parties also have the right to submit a written response to the evidence prior to the conclusion of the investigation;
8. The District will apply the **preponderance of the evidence** standard for use in all formal complaints of sexual harassment, including formal complaints against students and formal complaints against employees. Additional information regarding this standard is contained within the AAC-BR2 regulation, a copy is attached;

EXHIBIT

Descriptor Code: AAC-E5

9. The complainant or the respondent may appeal the determination of responsibility, including any disciplinary sanction instituted as a result of the determination of responsibility. The complainant and the respondent may also appeal any dismissal, whether discretionary or mandatory, of a formal complaint or allegation contained in a formal complaint. The bases of appeal and the appeal procedure are described in detail in the AAC-BRs regulation, a copy is attached; and
10. The parties shall not discuss or disseminate the allegations set forth in the formal complaint, or information gathered in the course of an investigation, in a manner that constitutes retaliation or unlawful tortious conduct.

In the event allegations in the formal complaint change or additional potential violations are discovered, the Title IX Coordinator will promptly provide written notice of the changes or additional potential violations to the complainant and the respondent.

Title IX Coordinator

Date

By my signature below, I acknowledge that I have received this written notice of the sexual harassment allegations.

Signature

Date

End of Apple Creek School District Exhibit AAC-E5

[07/20]