

TITLE IX TRAINING

For Investigators and Decision-Makers



Presented by:

SMITH WELCH
WEBB & WHITE_{LLC}
ATTORNEYS AT LAW

Presented by the law firm of Smith, Welch, Webb & White LLC (School Board Attorneys)

TOPICS:

1. Updated HCBOE Board Policy JCAC and Regulation JCAC to comply with Title IX of the Education Amendments of 1972 (Title IX)
2. General legal principles of new U.S. Dept. of Education Title IX Rule
3. New definition of sexual harassment
 - A. Notice of sexual harassment
 - B. The District's obligation to respond
4. Options to address sexual harassment
 - A. Supportive measures
 - B. The Formal Complaint and Grievance Process
5. Investigator and Decision-Maker specific training



Title IX Training

Presented by:



SMITH WELCH
WEBB & WHITE_{LLC}
ATTORNEYS AT LAW

See below **Updated HCBOE Board Policy JCAC and Regulation JCAC to comply with Title IX of the Education Amendments of 1972 (Title IX)**

HENRY COUNTY BOARD OF EDUCATION		BOARD POLICY
JCAC: Sexual Harassment		Status: Under Review
Original Adopted Date: 2/1/1995	Last Revised Date: 6/10/2013	Last Reviewed Date: TBD

Sexual Harassment Policy

It is the policy of Board to maintain an environment that is free from all forms of discrimination and harassment on the basis of sex. The Henry County Board of Education (the "Board") does not discriminate on the basis of sex in the education program or activity that it operates. The Board is required by Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681, *et seq.*) and its regulations (34 C.F.R. § 106.8) not to discriminate in such a manner. The requirement not to discriminate in the education program or activity extends to admission and employment. Inquiries about the application of Title IX and its regulations to the Board may be referred to the Board's Title IX Coordinators, the Assistant Secretary for Civil Rights of the Department of Education, or both. Retaliation against individuals who file complaints of alleged sexual harassment or those who assist in the investigation of complaints of alleged sexual harassment is expressly prohibited.

It shall be a violation of this JCAC policy for any student or employee of the District to engage in sexual harassment. Sexual harassment is defined as conduct on the basis of sex that satisfies one or more of the following criteria:

1. An employee of the Board conditioning the provision of an aid, benefit, or service of the Board on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Board's education program or activity; or
3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Any student or employee who believes that he or she has been exposed to sexual harassment or retaliation in the Board's education program or activity should immediately report the act to the Board's Title IX Coordinators. Any employee that is on actual notice of sexual harassment or retaliation must immediately report the act to the Board's Title IX Coordinators.

Regulation JCAC-R(1): Harassment - Sexual Harassment Grievance Process	Henry County Schools
Original Issued Date: 07/29/2020 Last Reviewed Date: 07/29/2020	Status: ISSUED

Original Issue Date: 07/29/2020

Pursuant to Henry County Board of Education (the "Board") Policy JCAC, Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681, *et seq.*) and its regulations (34 C.F.R. § 106.8), together referred to as "Title IX", the Board hereby adopts the following grievance process for handling formal complaints of sexual harassment within the Henry County School District (the "District").

I. Definitions

A. As outlined in Policy JCAC and defined in Title IX, the following definitions constitute "sexual harassment" for purposes of this grievance process. Sexual harassment is defined as conduct on the basis of sex that satisfies one or more of the following criteria:

1. An employee of the Board conditioning the provision of an aid, benefit, or service of the Board on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Board's education program or activity; or
3. Any of the following as defined in federal law. Should these federal definitions change, so shall the definitions within this regulation to comply with law:
 - a. sexual assault as defined in the Clery Act ("Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act"; 20 U.S.C. 1092(f)(6)(A)(v)): Any sexual act directed against another person, forcibly and/or against the person's will; not forcibly or against the person's will when the victim is incapable of giving consent.



Title IX Training

Legal Principles - Goals of New Rule Change



Presented by:

SMITH WELCH
WEBB & WHITE_{LLC}
ATTORNEYS AT LAW

Focus on Due Process (**Regulation JCAC, Section II.B**)

- Fairness to complainant and respondent
- Formal complaint process to provide these rights before discipline can be imposed for sexual harassment
- Substantial information regarding rights for victims and the accused

No Bias / Must be Neutral (**Regulation JCAC, Section XI.B**)

- Between Men / Women
- Between **Complainants** / **Respondents**
- **Not** based on stereotypes

Preserve Free Speech Rights (**Regulation JCAC, Section IV.F**)



Title IX Training

Legal Principles (Regulation JCAC, Section I.A)



Presented by:

SMITH WELCH
WEBB & WHITE_{LLC}
ATTORNEYS AT LAW

- Title IX prohibits discrimination **on the basis of sex** in education
- New Rule focuses on sexual harassment as discrimination
- Sexual harassment denies students the benefits of and participation in school on the basis of sex
- What is **sexual harassment**? New definition (more details later):
 - “Quid pro quo” harassment
 - Unwelcome conduct that is so severe, pervasive **AND** objectively offensive that it effectively denies a person equal access to the school’s education program or activity
 - “sexual assault,” “dating violence,” “domestic violence” or “stalking” under the Clery Act and VAWA (Violence Against Women Act)



Title IX Training

Jurisdiction (Policy JCAC)



Presented by:

SMITH WELCH
WEBB & WHITE_{LLC}
ATTORNEYS AT LAW

- Not all places, but not just “on campus” or “at school”.
- Must occur in the United States
- Covers sexual harassment that happens **in a school’s “education program or activity”**
 - Locations, events, circumstances where a school exercises substantial control over the context of the harassment and the person accused of committing the harassment
 - At school, on school bus, on field trip, at school sponsored activities (athletics), academic conferences
- Includes harassment by or against students or staff



Title IX Training

Presented by:



SMITH WELCH
WEBB & WHITE_{LLC}
ATTORNEYS AT LAW

Actual Knowledge (Policy JCAC)

- School must respond to “actual knowledge” of harassment
- When school personnel personally observes sexual harassment
- When school is put on notice that person may have been victimized by sexual harassment
 - **ANY** person can put the school on notice (victim, parent, friend, bystander, etc.)
 - School is put on notice when **ANY** employee is put on notice of incident
- Employees have been trained to alert the school principal or the district’s Chief of Staff as the Title IX Coordinators when they are put on notice of sexual harassment.



Title IX Training

Response to Sexual Harassment (Regulation JCAC, Sections I.D.1 and II)



Presented by:

SMITH WELCH
WEBB & WHITE_{LLC}
ATTORNEYS AT LAW

- What does a school do when it is put on notice of sexual harassment?
 - It must respond in a way that is not “deliberately indifferent”
 - Response cannot be clearly unreasonable in light of the known circumstances
 - Most important thing you can do is take complaints seriously when you have notice of them – do not ignore complaint or hope that it will just go away on its own
 - Must respond promptly



Title IX Training

Sexual Harassment Response Process

(Regulation JCAC, Section I.D.1, Section II, Section III, Section VI.A and B)



Presented by:

SMITH WELCH
WEBB & WHITE_{LLC}
ATTORNEYS AT LAW

- Title IX Coordinators can accept reports of sexual harassment (at **any** time) in person, by mail, by telephone, by email, or by any verbal or written means
- Once a report is received, the Title IX Coordinator will
 - **promptly** and **confidentially** reach out to complainant to discuss options
 - Discuss the availability of supportive measures with or without a formal complaint
 - Discuss the right to file a formal complaint and how to do so
- Title IX Coordinator will also provide and effectively implement supportive measures, including after the grievance process is completed.
- Preserve evidence or information.



Title IX Training

Supportive Measures (Regulation JCAC, Section II.A and B, Section III, Section IX)



Presented by:

SMITH WELCH
WEBB & WHITE_{LLC}
ATTORNEYS AT LAW

- Must be offered with or without filing of formal complaint
- Must be offered to complainant, can be offered to respondent
- **What are supportive measures?**
 - Free, individualized services designed to restore or preserve equal access to education, protect safety, or deter sexual harassment
 - Designed to support student, cannot be punitive or disciplinary with respect to another student
 - Cannot unreasonably burden another person
- Title IX Coordinators will consider the victim's wishes regarding supportive measures.
- Title IX Coordinators will keep supportive measures confidential unless it impairs the ability to provide the supportive measure.



Title IX Training

Supportive Measures (Regulation JCAC, Section II.A and B, Section III, Section IX)



Presented by:

SMITH WELCH
WEBB & WHITE_{LLC}
ATTORNEYS AT LAW

- Range of supportive measures offered:
 - counseling by a school staff person, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, changes in classroom transition routes, increased security and monitoring of certain areas of the school campus, and/or a combination of local interventions and supports
- Title IX Coordinators (principals) are responsible for determining appropriate supportive measure and effectively implementing the supportive measure.



Title IX Training

Filing Formal Complaints (Regulation JCAC, Section I.F, Section II.A, Section VI)



Presented by:

SMITH WELCH
WEBB & WHITE_{LLC}
ATTORNEYS AT LAW

- Title IX Coordinator will inform student about the right to file a formal complaint.
- Title IX Coordinator will not encourage or discourage student to file a formal complaint.
- Formal complaints can be filed by the student (or their parent or legal guardian).
- Formal complaints also can be filed by the Title IX Coordinator.
- Formal complaint begins the formal process of adjudicating whether sexual harassment has occurred, and can result in discipline against the respondent and additional supportive measures for the complainant .



SO, WHAT ARE THE ROLES AND RESPONSIBILITIES OF TITLE IX INVESTIGATORS AND DECISION-MAKERS UNDER THE NEW TITLE IX REGULATION AND HCS POLICY AND REGULATION JCAC?



Title IX Training



Presented by:

SMITH WELCH
WEBB & WHITE_{LLC}
ATTORNEYS AT LAW

Overview of the Sexual Harassment Determination Process

- Report made to the building level Title IX Coordinator.
- Building level Title IX Coordinator performs required duties and responsibilities.
- When a formal complaint is filed, the building level Title IX Coordinator will submit response notes and formal complaint to the appropriate Title IX Investigator and the appropriate Decision-Maker.
- Discipline related to sexual harassment is stayed until investigation and completion of the grievance process when a formal complaint is filed.
- The appropriate investigator will complete the investigation.
- The Decision-Maker will perform all required duties under the grievance process, review all evidence and make a determination regarding whether sexual harassment occurred.

Title IX Training

Grievance Process **(Regulation JCAC)**



Presented by:

SMITH WELCH
WEBB & WHITE_{LLC}
ATTORNEYS AT LAW

- The grievance process protects the rights of both the complainant and the respondent
 - District cannot discipline respondent for sexual harassment without going through the grievance process
 - Respondent is entitled to a presumption of innocence
 - District always bears the burden to prove sexual harassment by a preponderance of the evidence
- All parties have the right to give and review evidence
- Title IX Investigator will impartially and fairly gather all evidence and provide an investigative report to the parties.
- Title IX Decision-Maker will objectively review the evidence and make a written determination regarding responsibility.

Both parties have the right to file an appeal to an appellate decision-maker

- Limited to new evidence, bias, conflict of interest, or a procedural irregularity.



Title IX Training

Presented by:



SMITH WELCH
WEBB & WHITE^{LLC}
ATTORNEYS AT LAW

Grievance Process **(Regulation JCAC)**

- Once a formal complaint has been filed, the Title IX Coordinator will give a copy of the formal complaint to the relevant decision-maker and send notice to the parties that contains the following:
 - Regulation JCAC, informal resolution, allegations, presumption of innocence, right to an advisor, inspection of evidence, any statement regarding false information.
- Within ten (10) days, the decision-maker must review the formal complaint and make a determination whether the complaint should be dismissed; must send written notice (with reasoning) to the parties if the complaint is to be dismissed. This can be appealed.
 - **MUST** dismiss if: (1) conduct could not constitute sexual harassment even if proved; (2) conduct did not occur in the education program or activity or (3) did not occur against a person in the U.S.
 - **MAY** dismiss if (1) complainant notifies the Title IX Coordinator in writing that they want to withdraw the formal complaint or allegations therein; (2) the respondent is no longer enrolled or employed by the District; or (3) specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the complaint or allegations.



Title IX Training



Presented by:

SMITH WELCH
WEBB & WHITE_{LLC}
ATTORNEYS AT LAW

Prong 1 - “Quid pro quo” harassment

Important to understand the three different bases for sexual harassment.

“Quid Pro Quo” – something for something

- “An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual’s participation in unwelcome sexual conduct”.
- Involves employees (for example, teacher, faculty member, coach, etc.)
- Does not involve non-employees (students, volunteers, etc.)
- Broad interpretation
 - Includes both express and implied situations
 - Does not need to be severe, or pervasive; can be one-time instance



Title IX Training

Presented by:



SMITH WELCH
WEBB & WHITE_{LLC}
ATTORNEYS AT LAW

Prong 2 - “*Davis* standard” harassment

- “Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient’s education program or activity”.
- Evaluate under reasonable person standard (from the complainant’s perspective); many factors to consider including student age, disability status, position of authority of involved parties, etc.
- Must be all three – severe, pervasive **and** objectively offensive (look to conduct)
 - Severe – is conduct extreme?
 - Pervasive – *generally* means a one-time incident is not enough (could be if it impacts several individuals or is widespread – i.e., “sexting” or sharing inappropriate photos to several people)
 - Objectively offensive – from a reasonable complainant’s perspective
- **AND** must effectively deny a person equal access to education program or activity (impact)
 - Skipping class to avoid harasser, decline in GPA, difficulty concentrating, etc.
 - Does not need to completely deny access, just deny *equal* access; does not require dropping out of school, failing class, having panic attack, etc. (Be careful about applying stereotypes here (expectations of the “perfect” victim).



Title IX Training

Presented by:



SMITH WELCH
WEBB & WHITE^{LLC}
ATTORNEYS AT LAW

Prong 3 - VAWA / Clery Act Definitions

“Sexual assault,” “dating violence,” “domestic violence” or “stalking” under the Clery Act and VAWA – any of these can be sexual harassment regardless of severity or the number of times they occur.

- “Sexual Assault” - defined in the Clery Act (“Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act”, 20 U.S.C. 1092(f)(6)(A)(v)): Any sexual act directed against another person, forcibly and/or against the person’s will; not forcibly or against the person’s will when the victim is incapable of giving consent.
 - Includes rape, statutory rape, fondling, or attempts to do the same
 - Note on fondling and “butt slaps” and the like; requires an element of touching for the purpose of sexual gratification. Situations like “playing doctor” or other types of conduct that are not for the purpose of sexual gratification will not satisfy this prong.
 - Could be an issue with voluntary sexual activities between students who are not of the age of consent.



Title IX Training

Presented by:



SMITH WELCH
WEBB & WHITE_{LLC}
ATTORNEYS AT LAW

Prong 3 - VAWA / Clery Act Definitions

- “Dating violence” - dating violence as defined in the VAWA (“Violence Against Women Act” of 1994, 34 U.S.C. 12291(a)(10)): Any act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of the relationship; and the frequency of the interaction of the persons involved in the relationship.
 - Generally “date rape” situations are in college context.
 - In K-12, this could happen where students are dating and an episode of violence has occurred.
 - But, be mindful of the location and context of the incident as it may or may not be in the district’s educational program or activity.
 - Even if something does not fall under the definition of sexual harassment, it can be addressed through the Code of Conduct.



Title IX Training

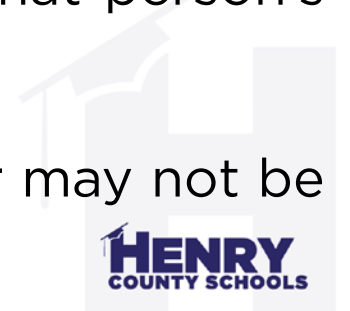
Presented by:



SMITH WELCH
WEBB & WHITE_{LLC}
ATTORNEYS AT LAW

Prong 3 - VAWA / Clery Act Definitions

- “Domestic violence” - domestic violence as defined in the VAWA (“Violence Against Women Act” of 1994, 34 U.S.C. 12291(a)(8)): Any felony or misdemeanor act of violence committed by a current or former spouse or intimate partner of the victim; a person with whom the victim shares a child in common; a person who is cohabitating with the victim or who has cohabited with the victim as a spouse or intimate partner; a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or; any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of this jurisdiction.
 - Consider mandatory reporting obligations
 - Be mindful of the location and method of the incident as it may or may not be in the district’s educational program or activity.



Title IX Training

Prong 3 - VAWA / Clery Act Definitions



Presented by:

SMITH WELCH
WEBB & WHITE_{LLC}
ATTORNEYS AT LAW

- “Stalking”
 - stalking as defined in the VAWA (“Violence Against Women Act” of 1994, 34 U.S.C. 12291(a)(30): May be defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.
 - During remote learning, this may well be one of the most important definitions.
 - Could include online harassment (if a “course of conduct”) that either causes a student to fear for safety or suffer substantial emotional distress.
 - Be mindful of the location and method of the incident as it may or may not be in the district’s educational program or activity.



Title IX Training

Decision-Maker Checklist for Dismissal



Presented by:

SMITH WELCH
WEBB & WHITE_{LLC}
ATTORNEYS AT LAW

- Did it occur against a person in the United States?
- Did it occur in the District's educational program or activity?
 - Must be a location, event, or circumstance where a school exercises substantial control over the context of the harassment **and** the person accused of committing the harassment (usually at school, on school bus, on field trip, at school sponsored activities (athletics) or events, or by using the school's technology resources)
- If proved, could it meet the definition of sexual harassment under either prong 1, 2 **or** 3?

IF THE ANSWER TO ANY OF THESE IS NO, YOU MUST DISMISS.

If you dismiss, you must promptly send written notice of the dismissal and the reasons therefor simultaneously to the parties. The parties have the right to appeal this decision. Dismissal **does not** mean that the action cannot be dealt with under the Code of Conduct as something other than sexual harassment.



Title IX Training

Presented by:



SMITH WELCH
WEBB & WHITE_{LLC}
ATTORNEYS AT LAW

Decision-Maker Checklist for Dismissal

- Did complainant request, in writing, that they want to withdraw the formal complaint or allegations therein?
- Is the respondent no longer enrolled or employed by the District?
- Are there specific circumstances that prevent the District from gathering evidence sufficient to reach a determination?

IF THE ANSWER TO ANY OF THESE IS NO, YOU CAN DISMISS, BUT DO NOT HAVE TO.

If you dismiss, you must promptly send written notice of the dismissal and the reasons therefor simultaneously to the parties. The parties have the right to appeal this decision. Dismissal **does not** mean that the action cannot be dealt with under the Code of Conduct as something other than sexual harassment.



Title IX Training

Grievance Process **(Regulation JCAC)**



Presented by:

SMITH WELCH
WEBB & WHITE_{LLC}
ATTORNEYS AT LAW

- If the formal complaint is not dismissed, grievance process continues.
- Parties can submit evidence to investigators within **ten (10) days** of notice of formal complaint.
 - Both parties have the right to submit evidence.
 - Cannot require, allow, or rely upon evidence that is protected by privilege unless it is waived (attorney/client, clergy, psychiatric, etc.)
 - Must give a party at least **24 hour notice** of any interview or meeting and written notice of the date, time, location, participants, and purpose of the meeting.
- Investigators have **twenty (20) business** days to obtain evidence and complete initial review of evidence.
- Investigators will send a copy to each party and advisor (electronic or hard copy).
- Parties have **ten (10) days** to respond to the evidence. Investigators have to review and consider evidence prior to completing report.
- Investigators will complete an investigative report **thirty-five (35) business days** after complaint was filed
 - Must fairly summarize relevant evidence



Title IX Training

Grievance Process (Regulation JCAC)



Presented by:

SMITH WELCH
WEBB & WHITE_{LLC}
ATTORNEYS AT LAW

- Parties get **three (3) days** to review report and submit written, relevant questions to the decision-maker.
 - However, parties cannot ask about complainants' sexual predispositions or prior sexual behavior unless offered to prove that someone other than the respondent committed the conduct, that the conduct was consensual (only if student is over the age of 16), or if questions concerning specific incidents of prior sexual behavior were with the respondent.
- Decision-Maker must determine whether questions are relevant.
 - If not relevant, must explain to the party requesting the decision why not.
- If a party or witness refuses to answer a relevant question, decision-maker cannot rely on **any** statement of that party or witness in reaching a decision; however, you cannot base your decision solely on the refusal to answer.
- Answers must be provided within **five (5) business days** of submission; parties are allowed **two (2) days** to submit limited follow up questions, answers to which must also be provided within **five (5) days**.



Title IX Training

Grievance Process (Regulation JCAC)



Presented by:

SMITH WELCH
WEBB & WHITE^{LLC}
ATTORNEYS AT LAW

- Not sooner than **ten calendar (10) days** following the parties' receipt of the investigative report and not later than **ten calendar (10) days** following the last response to any party's written question or follow-up question, the Board's Decision-Maker(s) will issue a written determination regarding responsibility simultaneously to both parties.
- Decision must include the following: (1) identify the allegations; (2) describe the procedural steps taken from receipt of the formal complaint through determination; (3) make findings of fact; (4) make conclusions regarding how the code of conduct applies to the facts; (5) make a statement of and rationale for the results as to each allegation, including responsibility and any disciplinary sanction as a result, and what remedies are available to the complainant; and (6) describe the appeal process.



Title IX Training

Relevance (Regulation JCAC)



Presented by:

SMITH WELCH
WEBB & WHITE^{LLC}
ATTORNEYS AT LAW

- A piece of evidence is relevant if it has a tendency to make something more or less probable than it would be without the evidence and it is of consequence in determining the question of sexual harassment.
 - Relevance is fairly broad and can include questions about the who, what, when, when, and how of allegations, as well as issues related to motive or bias, among others.
- This comes up largely in the context of investigators preparing a report with relevant, unbiased evidence and decision-makers allowing certain questions.
 - Relevant evidence includes both exculpatory and exculpatory evidence (in other words, should include both evidence that is favorable or unfavorable to any party).
- **IMPORTANT:** “Complainant receives ‘rape shield’ protections”. Questions or evidence about a complainants sexual predisposition is never relevant, while questions or evidence regarding prior sexual behavior are not relevant, except in two circumstances: (1) to prove that someone other than the respondent committed the conduct or (2) prior sexual behavior with the respondent is offered to prove consent.



Title IX Training

Bias, Stereotypes, Conflicts of Interest (Regulation JCAC)



Presented by:

SMITH WELCH
WEBB & WHITE_{LLC}
ATTORNEYS AT LAW

- Important focus is to avoid any claims of bias or conflicts of interest.
- Moreover, investigators and decision-makers cannot evaluate or collect the evidence in a way that is based on stereotypes or that favors complainants over respondents or men over women.
- Investigator must collect evidence impartially and must include evidence that is both favorable and unfavorable to both parties, so long as it is relevant.
- Decision-Maker must make determination based on preponderance of the evidence – whether the respondent is more likely than not responsible.
- This decision must be based on an objective evaluation of the evidence, and decision-maker must be able to show the rationale in this regard.



Title IX Training

Presented by:



SMITH WELCH
WEBB & WHITE_{LLC}
ATTORNEYS AT LAW

Appeals **(Regulation JCAC)**

- Any party may appeal from a written determination of responsibility or a dismissal of the formal complaint.
- The appellate decision-maker will not be either the Title IX Coordinator, the Investigator, or the Decision-Maker in the matter being appealed.
- Parties have ten (10) days to appeal in writing.
- Only bases for appeal are (1) procedural irregularity that affected the outcome; (2) new evidence that was not reasonably available that will affect the outcome; or (3) a conflict of interest or bias by the Title IX Coordinator, Investigator, or Decision-Maker.
- Parties have five (5) days to support a written statement for or against appeal, and five (5) days to respond to the other's statement.
- No additional evidence is considered on appeal, unless it will affect the outcome.
- Appellate decision-maker will issue written decision describing result of appeal within ten (10) business days.
- All appeals are final.



TITLE IX TRAINING

For Investigators and Decision-makers

Thank you! Please find more information and resources by scanning this code or visiting the site below:



SMITH WELCH
WEBB & WHITE_{LLC}
ATTORNEYS AT LAW



Resources:



<https://schoolwires.henry.k12.ga.us/Page/134849>