



METROPOLITAN SCHOOL DISTRICT OF WASHINGTON TOWNSHIP  
8550 WOODFIELD CROSSING BLVD., INDIANAPOLIS, IN 46240

**INITIAL NOTICE TO PARTIES REGARDING TITLE IX COMPLAINT**

The Metropolitan School District of Washington Township is in receipt of a formal complaint alleging sexual harassment. You are receiving this notice because you are either the complainant(s) (alleged victim), the respondent(s) (alleged perpetrator), or party requiring notice pursuant to 34 C.F.R. § 106.45(b)(2).

Below, please see the substance of the allegations, as understood by the School District at the time of providing this notice. As well, please see information relating to the grievance procedure and general information relating to other procedural rights and notices.

**I. ALLEGATIONS**

---

---

---

---

A. Identities of Parties Involved in the Incident(s)

---

---

---

B. Date and Location of the Alleged Incident(s)

---

---

---

**II. GRIEVANCE PROCEDURE**

As set forth more fully in the School District's Sexual Harassment Policy (available here: [MSDWT Sexual Harassment Policy](#)), the following grievance process applies to the resolution of the aforementioned formal complaint. Please consult the Sexual Harassment Policy for additional information relating to the entire process (from notice to resolution), definitions, and the assignment of investigators, decision-makers, and appellate decision-makers.

As for resolving a formal complaint, the grievance process includes both a formal procedure option and an informal procedure option. Both the complainant and respondent have to agree to and submit to the informal resolution process in writing. The parties may do so at the outset of the grievance procedure or agree to do so at any point during the formal procedure prior to a determination of responsibility. If both parties do not agree or if one party withdraws from the informal procedure prior to its conclusion, however, then the

formal procedure will be followed. The informal procedure is unavailable, if the alleged sexual harassment involves a student-complainant and employee-respondent.

A. Formal Procedure

1. Under the formal procedure, the investigator will set forth reasonable time frames for the parties to gather and exchange evidence and for the investigator to gather and disseminate evidence, which may include photographs, text messages, other electronic images or audio files, witness statements, medical documents, and other forms of evidence.

Should a dispute arise over discovery requested or demanded, the investigator will not require or allow the use of questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

The investigator will ensure that all parties are able to review and inspect all evidence obtained as part of the investigation that is directly related to the allegations in the formal complaint. Moreover, the investigator will provide copies of such evidence to parties and their advisors and will permit the parties to respond to the evidence in writing. The investigator will set a reasonable time frame for the parties to submit their written responses to the evidence but under no circumstances may that time frame be fewer than 10-days from the parties' receipt of such evidence.

2. After the deadline for submitting written responses to the evidence passes, the investigator will prepare an investigative report within a reasonable amount of time and provide the investigative report to the parties. The investigative report will summarize the relevant evidence but will not contain a determination of responsibility or provide a conclusion. Parties have 10 days from the receipt of the investigative report to submit a written response to it.
3. Also, within that same 10-day time period, each party is entitled to submit written, relevant questions of any other party or witness. The investigator shall establish a reasonable schedule for the receipt of answers to any questions submitted to a party or witness, as well as for the opportunity to ask additional, follow-up questions and receive additional answers to the follow-up questions.
4. For good cause shown, the parties may be awarded a limited extension of the time frames established by the investigator. The investigator will provide written notice to the complainant and the respondent of any delay or extension and the reasons for it.
5. The school will dismiss a formal complaint, if at any time during the investigation:
  - i. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
  - ii. The respondent is no longer enrolled or employed by the school; or
  - iii. Specific circumstances prevent the school from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

If dismissing a complaint for any of the above reasons, the school will promptly notify all parties in writing and explain the reason(s) for dismissal.

6. Separate and apart from the investigator, the decision-maker shall review the investigative report, written responses thereto, the questions and answers of all witnesses and parties, and the underlying

evidence gathered in the investigation, shall apply the standard of evidence set forth above, and will draft a written determination regarding responsibility for dissemination to the parties.

The written determination will: (1) identify the sexual harassment allegations, (2) describe the procedural steps taken, (3) issue findings of fact, (4) provide conclusions and a rationale for the result of each allegation (including whether there is responsibility found, what disciplinary sanctions will be imposed on the respondent, and whether any remedies will be utilized to restore or preserve the complainant's equal access to the school's program or activity), and (5) explain the procedures and permissible bases for the parties to appeal the determination.

7. The Appeal Process:

If a party seeks to appeal the decision-maker's decision (or the dismissal of a formal complaint or any allegations therein), the party must submit, in writing to the Title IX Coordinator, notice of his or her intent to appeal and a brief summary of the basis for the appeal within 10 days of the decision-maker's decision (or within 10 days of receiving notice that the complaint and/or allegations have been dismissed). If an appeal is not timely, the initial decision-maker's determination is final.

Either party may submit an appeal, but appeals may only be brought for one or more of the following reasons: (1) a procedural irregularity affected the outcome, (2) new evidence that was not reasonably available at the time of the determination is now available and could affect the outcome, or (3) the Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias that affected the outcome of the matter.

Upon receipt of a timely notice of appeal, the appeal decision-maker will contact all parties to provide notice of the appeal and the alleged basis for the appeal and to establish a deadline for the parties to submit in writing a response to the appeal which either supports or challenges the initial decision-maker's determination of responsibility.

The appeal decision-maker will provide the parties with his or her determination regarding the appeal within a reasonable amount of time thereafter. The appeal decision-maker's determination will be set forth in writing, will provide the appeal decision-maker's rationale, and will be final.

B. Informal Procedure

1. Under the informal procedure, if both parties submit to the process in writing, the investigator will contact the parties and establish a date to engage in an informal mediation to discuss the allegations, the parties' perspectives, potential protective measures, and other informal methods of resolving the formal complaint.
2. At the mediation, if the parties reach an agreement to resolve the process, they shall submit to the resolution terms in writing.
3. By signing the resolution, the parties are precluded from seeking additional procedures and processes arising from the same allegations. However, at any point during the mediation, prior to agreeing to a resolution, either party may terminate the informal procedure and begin or resume the formal procedure.

**III. RESPONDENT PRESUMED NOT RESPONSIBLE**

The School District recognizes that under Title IX and its implementing regulations the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.

**IV. RIGHTS OF THE PARTIES**

Complainant and Respondent may have an advisor of their choice, who may be, but is not required to be, an attorney. The parties also may inspect and review evidence relating to the allegations.

**V. REMINDER REGARDING FALSE INFORMATION**

The School District's code of conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance process. If any party violates the code of conduct in this respect, that party will be subject to the processes and consequences of the applicable code of conduct provision.

**VI. RANGE OF POTENTIAL DISCIPLINARY SANCTIONS AND REMEDIES**

[Notice of the range of possible disciplinary sanctions and remedies that the school may implement if the decision-maker determines that sexual harassment occurred (this will be different if the respondent is a teacher/employee rather than a student)] \_\_\_\_\_

**VII. EVIDENTIARY STANDARD**

In determining whether the Respondent is responsible for the sexual harassment allegations, the decision-maker shall apply a [preponderance of the evidence standard or the clear and convincing evidence standard (whichever the school chose under the adopted Sexual Harassment Policy)].

**VIII. RIGHT TO CONSOLIDATE FORMAL COMPLAINTS**

The School District reserves the right to consolidate formal complaints of sexual harassment, without the consent of the involved parties, if the allegations arise out of the same facts or circumstances.

**IX. RANGE OF SUPPORTIVE MEASURES**

[Notice of the range of supportive measures available to the Complainant and Respondent (this will be different if the respondent is a teacher/employee rather than a student; such supportive measures may include counseling, course modifications, schedule changes, increased monitoring or supervision, or other non-punitive measures that do not discipline a respondent or make a determination as to a respondent's responsibility for any allegations raised)].