



**Educational Service Center**  
4228 Two Mile Road  
Bay City, MI 48706-2324  
Phone: 989.686.4410  
Fax: 989.667.3286

### TITLE IX SEXUAL HARASSMENT FORMAL COMPLAINT FORM

This form is being submitted by:

- Complainant       Title IX Coordinator

Complainant Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

If the Complainant is a student:

School Building Attending: \_\_\_\_\_ Grade: \_\_\_\_\_ Birthdate: \_\_\_\_\_

If the Complainant is an employee:

Job Title: \_\_\_\_\_ Building: \_\_\_\_\_

Reporter's Name (if different than Complainant): \_\_\_\_\_

Relationship to Complainant: \_\_\_\_\_

Reporter Address: \_\_\_\_\_

Reporter Phone: \_\_\_\_\_ Reporter Email: \_\_\_\_\_

1. Describe the alleged violation of the District's Title IX Sexual Harassment Policy that you are requesting the District investigate. Please be specific. Describe the specific incident(s) and identify the individuals and potential witnesses involved. Describe or attach any evidence you believe is relevant. Attach additional pages if needed.

2. Describe the date/time/location(s) of the alleged incident(s).

*Formal Complaint Form: The Title IX regulations require a Formal Complaint before beginning an investigation.*

3. Describe your proposed resolution to address the alleged violation(s).

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Date

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Complainant/Coordinator Signature

**PLEASE SUBMIT THIS FORM TO:**

Becky Smith  
Director of Human Resources, IX Coordinator  
Bay-Arenac ISD  
4228 Two Mile Road  
Bay City, MI 48706  
smithr@baisd.net  
(989) 667-3201

**A person who believes that he/she has been discriminated against by the District on the basis of sex may file a complaint through the District's grievance procedure. A complaint may also be filed with the Office for Civil Rights (OCR), U.S. Department of Education, 1350 Euclid Avenue, Suite 325, Cleveland, OH 44115. You may file a complaint with OCR at any time. Filing a complaint with the District is not a prerequisite to filing with OCR.**





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[Date]

[Name]  
[Address]  
[City, State, Zip Code]

**Re: Notice of Title IX Investigation**

Dear [Name]:

On [DATE], the District received a report that [RESPONDENT NAME], who is a District [STUDENT/EMPLOYEE/VOLUNTEER/CONTRACTOR] allegedly engaged in sexual harassment, as defined by the District's Title IX Sexual Harassment Policy, against [COMPLAINANT NAME]. Specifically, [DESCRIBE ALLEGED SEXUAL HARASSMENT - INCLUDE IDENTITY OF PARTIES INVOLVED]. Allegedly, [RESPONDENT'S NAME]'s conduct occurred at [LOCATION, IF KNOWN] on or around [DATE/TIME, IF KNOWN].

[NOTE: CHOOSE OPTION 1 OR 2.]

**OPTION 1. If law enforcement has opened its own investigation:**

The District will cooperate with [LAW ENFORCEMENT AGENCY NAME] as it conducts an investigation into the allegations. The District will also, in accordance with Title IX, conduct an independent investigation into these allegations and will provide notice of any additional allegations that might emerge.

**OPTION 2. No law enforcement involvement yet:**

The District has opened a Title IX investigation into these allegations and will provide notice of additional allegations if any emerge.

Pursuant to federal law, during the pendency of the investigation, [RESPONDENT NAME] is presumed not responsible for the alleged conduct.

As part of its investigation, the District would like to interview [COMPLAINANT/RESPONDENT NAME] on [DATE]. [COMPLAINANT/RESPONDENT NAME] may, but is not required to, have an advisor of [his/her/] choice, such as an attorney or other representative, during the Title IX Grievance Process. If you intend to have an advisor assist in this process, please provide me with relevant contact information before the interview.

[NOTE: If Complainant/Respondent is a student and if the District's Student Code of Conduct includes a prohibition on false statements, then include the following language.]

As a reminder, the District's Student Code of Conduct prohibits students from making false statements or submitting false statements during this investigation.

During the investigation, the District will provide the following supportive measures to [COMPLAINANT/RESPONDENT NAME]:

[DESCRIBE SUPPORTIVE MEASURES].

The District is also willing to discuss other supportive measures that you believe are necessary. The District offered [IDENTIFY supportive measures, if any, that were rejected] as supportive measures for [COMPLAINANT/RESPONDENT NAME], which were declined. Please contact me to discuss the need for additional supports.

A detailed description of the District's Title IX Grievance Process can be found in the District's Title IX Policy, which is available at: [INSERT LINK TO POLICY]. A hard copy of the Policy is attached.

All parties will have an opportunity to inspect and review any evidence before the investigation report is finalized. At the conclusion of the Grievance Process, a Decision-Maker will provide all parties with a written determination of responsibility.

The District's Title IX Policy also details the District's informal resolution process. If you are interested in pursuing informal resolution, please contact me.

The District prohibits retaliation against any person who reports or files a sexual harassment complaint or who cooperates in the investigation of such a complaint. Retaliation can result in disciplinary action up to and including discharge or expulsion. Retaliation allegations should be reported to the Title IX Coordinator.

If you have any questions about this process, please do not hesitate to contact me.

Sincerely,

[District Representative]

Note: Include a hard copy of the District's Title IX Sexual Harassment Policy with this letter.



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[Date]

[Name]  
[Address]  
[City, State, Zip Code]

**Re: Notice of Additional Allegations during Title IX Investigation**

Dear [Name]:

On [INSERT date], you were notified that the District initiated a Title IX investigation into allegations that [Respondent's Name] [DESCRIBE ORIGINAL ALLEGATIONS] [Complainant's Name] at [INSERT location, if known] on or around [INSERT date, if known].

In the course of our investigation, we received additional allegations that [DESCRIBE specific new allegations and IDENTIFY parties] at [INSERT location, if known] on or around [INSERT date, if known].

[NOTE: CHOOSE OPTION 1 OR 2.]

1. The new allegations will be consolidated with the original allegations and a determination of responsibility will be made as part of the current Grievance Process.

2. The District has opened a Title IX investigation into these new allegations, and a determination of responsibility will be made in accordance with the same process as the original investigation and as described in the District's Title IX Sexual Harassment Policy.

During the pendency of this investigation, [Respondent's Name] is presumed not responsible for the conduct described in the new allegations.

[NOTE: New allegations may not require another interview.] OPTIONAL: As part of its investigation into these new allegations, the District would like to interview [COMPLAINANT/RESPONDENT NAME] on DATE. [COMPLAINANT/RESPONDENT NAME] is entitled to bring an advisor of [HIS/HER] choice, including an attorney, to the interview. Please let us know of your availability as soon as possible.]

If you have any questions about this process, please do not hesitate to contact me.

Sincerely,

[District Representative]

*Notice Letter- Complainant: Upon receipt of a Formal Complaint, the District must provide written notice to the parties who are known at the time that includes all of the information in this form letter. This notice must be provided to the Complainant with sufficient time to prepare a response before an interview.*



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[Date]

[Name]

[Address]

[City, State, Zip Code]

**Re: Mandatory Dismissal of Title IX Formal Complaint**

Dear [Name]:

On [DATE], the District received notice of a possible violation of the District's Title IX Sexual Harassment Policy. Upon further review, the Title IX Coordinator has concluded that the Title IX regulations require dismissal of the Formal Complaint because (select all that apply):

- The allegations in the complaint, even if proven, would not constitute sexual harassment as defined in the District's Title IX Sexual Harassment Policy.
- The allegations did not occur in the school's programs or activities.
- The allegations did not occur in the United States.

A determination that the Title IX Formal Complaint must be dismissed does not preclude the District from investigating the complaint for violations of another policy, rule, or law or from issuing appropriate discipline based on the results of the misconduct investigation.

You may appeal this dismissal by following the procedures outlined in the Appeals section of the District's Title IX Sexual Harassment Policy. That Policy is available at: [INSERT link to policy].

The District strictly prohibits retaliation against an individual who filed a Title IX complaint or who cooperated in a Title IX investigation. If you believe that you were subject to retaliation, please promptly contact the District's Title IX Coordinator.

Sincerely,

[Title IX Coordinator Name]

[Title IX Coordinator Contact Information]

*Mandatory Dismissal Letter: The Title IX regulations require dismissal in the situations outlined below. Mandatory dismissal under the regulations does not preclude the school from investigating a complaint for violations of other policy, rule, or law or from issuing appropriate discipline based on the results of a misconduct investigation. Such an investigation is advisable in some circumstances – particularly where the Complainant is a student and the Respondent is an employee. Letters substantially similar should be sent to the Complainant(s) and the Respondent(s).*



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[Date]

[Name]  
 [Address]  
 [City, State, Zip Code]

**Re: Dismissal of Title IX Formal Complaint**

Dear [Name]:

On [DATE], the District received notice of a possible violation of the District’s Title IX Sexual Harassment Policy. Upon further review, the Title IX Coordinator has concluded that the Title IX Formal Complaint should be dismissed because (select all that apply):

- The Complainant notified the Title IX Coordinator in writing on [DATE] that the Complainant wishes to withdraw the complaint, in whole or in part.
- The Respondent’s [enrollment / employment] at the District has ended.
- The following circumstances prevent the school from gathering evidence sufficient to reach a determination: [describe specific circumstances, which may include, but are not limited to situations where: (1) the Complainant refuses to participate in the Grievance Process but has not sent written notice withdrawing the complaint; or (2) the Respondent is not under the authority of the District and the District is unable to collect sufficient evidence to make a determination of responsibility.]

A determination that the Title IX Formal Complaint should be dismissed does not preclude the District from investigating the complaint for violations of another policy, rule, or law or from issuing appropriate discipline based on the results of the misconduct investigation.

You may appeal this dismissal by following the procedures outlined in the Appeals section of the District’s Title IX Sexual Harassment Policy. That Policy is available at: [INSERT link to policy].

The District strictly prohibits retaliation against an individual who filed a Title IX complaint or who cooperated in a Title IX investigation. If you believe that you were subject to retaliation, please promptly contact the District’s Title IX Coordinator.

Sincerely,

[Title IX Coordinator Name]  
 [Title IX Coordinator Contact Information]

*Discretionary Dismissal Letter: The Title IX regulations permit dismissal in the situations outlined below. Discretionary dismissal under the regulations does not preclude the school from investigating a complaint for violations of other policy, rule, or law or from issuing appropriate discipline based on the results of a misconduct investigation. Such an investigation is advisable in some circumstances – particularly where the Complainant is a student and the Respondent is an employee. Letters substantially similar should be sent to the Complainant(s) and the Respondent(s).*



## Title IX Investigation Report Checklist

The investigation report must fairly summarize the relevant evidence gathered during the investigation. It should be in narrative form and include the information in this checklist to provide the Decision-Maker sufficient information to make a responsibility determination and to comply with Title IX requirements. The checklist is not designed to limit the scope of any investigation

### Complainant's Information

- Complainant's name. If student: age, grade level, and building. If employee: job title and building.
- Name of Complainant's advisor (if any).
- Date notice provided for interview(s).
- Date of interview(s).
- Identify any other contacts with Complainant or Complainant's advisor during the investigation (include date, purpose, and contact method).

### Respondent's Information

- Respondent's name. If student: age, grade level, and building. If employee: job title and building.
- Name of Respondent's advisor (if any).
- Date notice provided for interview(s).
- Date of interview(s).
- Identify any other contacts with Respondent or Respondent's advisor (include date, purpose, and contact method).

### Investigator's Information

- Investigator's name and title.
- Date investigation report is initiated.
- Date investigation report is submitted to Decision-Maker.
- Statement that investigator does not have a conflict of interest or bias against either party, generally or individually, that affected the investigation.
- Date that investigator sent each party and the party's advisor all evidence subject to inspection and review.
- Date party's response to evidence was due and whether any response was received.
- Any action investigator took after response(s) to evidence received.

### Complaint Information

- Date formal complaint filed/signed.
- Summary of the complaint.

### Nature of the Allegations (for each allegation):

- Describe the allegation, including date, time, place, and nature of the incident(s).
- Identify any witnesses interviewed, including the witness's name, contact information, date of the interview, summary of the interview, and party offering the witness.

- Identify any relevant evidence, including which party submitted the evidence or how it was obtained if not through a party.
- If the investigation revealed additional allegations that were not in the original notice to the parties and the investigator decides to investigate those allegations, identify the date notice of the additional allegations was given to the parties and describe the additional allegations.
- If additional allegations are made or discovered and are not investigated, state the basis for the decision not to investigate the additional allegations.

### Other Fact-finding Activities

- Describe any other fact-finding that occurred as part of the investigation (e.g., site visits, record review, or hearing).
- Describe any findings of fact made during the investigation (e.g., statements relied upon, credibility determinations). *The investigator does not make a determination of responsibility.*

### Investigation Report Review

- Before completing investigation report, send draft investigation report to Complainant (and Complainant's advisor, if any) and Respondent (and Respondent's advisor, if any) for review.
- Both parties have 10 days to review and submit written response to investigator.
- Describe any written response(s) received.
- Consider any written response received before completing the investigation report.
- Describe any additional investigation conducted as a result of the written response(s) (e.g., additional witness interviews, materials reviewed, or investigatory steps taken).

### General Tips for Investigation Report

- Cite applicable Board policies and code of conduct provisions
- Ensure report is clear, concise, and complete
- Assume report may be released by either party.



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[Date]

[Name]

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[City, State, Zip Code]

**Re: Determination of Responsibility**

Dear [Name]:

The District recently conducted a Title IX investigation into allegations of sexual harassment as defined in the District's Title IX Sexual Harassment Policy (the "Policy"). Those allegations include: [IDENTIFY allegations, e.g., "engaged in inappropriate conduct with another District student on a District school bus," "another student inappropriately touched your student"].

The District has completed its investigation into the complaint of sexual harassment, filed with [INSERT person complaint was filed with] on [INSERT date the complaint was filed]. The Policy defines "sexual harassment" as conduct on the basis of sex that satisfies one or more of the following:

- a. A District employee conditioning the provision of a District aid, benefit, or service on an individual's participation in unwelcome sexual conduct;
- b. Unwelcome conduct that a reasonable person would determine to be so severe, pervasive, and objectively offensive that it effectively denies a person's equal access to the District's education program or activity; or
- c. Sexual assault, dating violence, domestic violence, or stalking, as defined by the Violence Against Women Act, 34 USC § 12291 et. seq., and the uniform crime reporting system of the Federal Bureau of Investigation, 20 USC 1092(f)(6)(A)(v).

Upon the receipt of the Formal Complaint, the District took the following procedural steps during the course of this investigation [MODIFY this list depending on what was done during the investigation, include relevant dates and a description for each procedural step taken]:

- Notice to the parties alleging the commencement of the investigation and the allegations involved;
- Witness interviews;
- Party interviews;
- Site visits; and
- [IDENTIFY the methods used to gather other evidence]

You were given an opportunity to review all evidence compiled during the investigation and to provide a written response, which you [did/did not do]. You also had the opportunity to

review the investigation report and submit a written response before the Decision-Maker issued this letter.

The Decision-Maker relied on the following findings of fact to support this determination: [INSERT findings of fact, e.g., “The students were found alone in the locker room. Video of the incident showed the Complainant crying.”]

Based on the foregoing, the Decision-Maker determined:

[INSERT conclusions about the application of any relevant code of conduct, policy, law, or rule to the facts.]

[INSERT whether a preponderance of the evidence substantiated each allegation and the rationale for that decision.]

The District will now take the following actions to restore and/or preserve equal access to the District’s education programs and activities: [INSERT broad description of action.]

For Complainant, remedial measures [will/will not] be provided.

For Respondent, the District [will/will not] impose disciplinary sanctions. [INSERT disciplinary sanctions to be taken, if any.]

The Title IX Coordinator will communicate separately with each party about applicable remedial measures.

Pursuant to the Policy, you may appeal this decision within 5 business days of receipt of this decision for the following reasons:

1. A procedural irregularity that affected the outcome;
2. New evidence that was not reasonably available at the time the determination of responsibility or dismissal decision was made that could affect the outcome; or
3. The Title IX coordinator, Investigator, or Decision-Maker had a conflict of interest or bias for or against the Complainant or Respondent, generally or individually, that affected the outcome.

The Appeals process is described in the District’s Title IX Policy, which can be found here: [INSERT link to policy]. A hard copy of the Policy is also enclosed.

As a reminder, the District prohibits retaliation against any person who files a sexual harassment complaint or who cooperates in the investigation of such a complaint.

Please do not hesitate to contact me if you have any additional information or questions.

Sincerely,

[Decision-Maker]

Note: Include a hard copy of the District’s Title IX Sexual Harassment Policy with this letter.

### Title IX Recordkeeping Protocol

The District establishes the following recordkeeping protocol for complaints or reports of sexual harassment under the District's Title IX Sexual Harassment Policy. The records identified below must be maintained for at least 7 years from the date of creation.

1. Records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
  - a. The basis for the District's conclusion that its response to the report was not deliberately indifferent;
  - b. Documentation demonstrating that the District has taken measures designed to restore or preserve equal access to the District's education program or activity; and
  - c. If supportive measures are not provided to the Complainant, documentation of the reasons why such a response was not clearly unreasonable in light of the known circumstances.
2. Records of each sexual harassment investigation, including:
  - a. A determination of responsibility;
  - b. Disciplinary sanctions imposed on the Respondent;
  - c. Remedies provided to the Complainant; and
  - d. Appeal records, if applicable, including results of the appeal;
3. Records of any informal resolution, including the results of an informal resolution.
4. All materials used to train Title IX Coordinators, Investigators, Decision-Makers, and any person who facilitates an informal resolution process. Training materials must also be maintained on the District's website.

A copy of an investigation report involving a specific employee may also be kept in the employee's file only as required or permitted by the Bullard-Plawecki Employee Right to Know Act, MCL 423.501 *et seq.*

Employees who document incidents or reports of Title IX sexual harassment should keep a copy of all written reports and documentation.

Student personally identifiable information is protected and must be kept confidential pursuant to state and federal law.

This notice will be posted in the Title IX Coordinator's office. Copies are available in the Title IX Coordinator's office.