

## **Notification of Protections and Responsibilities Under Title IX**

### **Why am I receiving this notification?**

This handout provides you with information regarding Title IX, a federal law that protects students in federally funded programs from discrimination based on sex, gender, or characteristics of gender. Title IX imposes specific procedural and substantive requirements that differ from the District's general investigation process. Receiving this notification does not mean a formal Title IX complaint has been filed, nor does it mean that discipline will be imposed under Title IX without a thorough investigation and determination of responsibility.

This handout informs you of your rights and responsibilities under Title IX, particularly the rights that are available to you, even without the filing of a formal Title IX complaint. If a formal Title IX complaint is filed, you will be informed of the next steps in the grievance process. If you file a formal Title IX complaint, you will be informed of the grievance process. However, if no Title IX complaint is filed or the matter does not meet the definition of sexual harassment under Title IX, the matter will be handled by the school administration under the District's general discrimination and harassment policy.

### **What conduct was reported, and how do I get more information about the policies implicated?**

School administration will inform you of the specific allegations at issue. The allegations implicate the following Jordan School District policy (see below). Under Title IX, before any determination is made as to whether the policy was violated, an investigation and determination would need to take place. If a Title IX complaint is filed, the first step is a preliminary review to determine if Title IX has jurisdiction over the complaint, which includes whether the conduct meets the definitions of sexual harassment and whether the incident occurred under the District's jurisdiction. The regulations require a dismissal of the complaint if certain conditions are not met. The regulations also allow for discretionary dismissal of the complaint under certain circumstances. This is called a dismissal on jurisdictional grounds. If a formal Title IX complaint survives the preliminary review, it would be assigned to investigators.

If the complaint does not meet the definition of sexual harassment under Title IX or does not survive a jurisdictional review, the complaint would be referred to the school administration for investigation under the following conduct policy.

**AS94 – Student Discrimination and Harassment.** *11. Sexual Harassment: A form of sex (gender) discrimination. It consists of unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature that is based on one or more of the following conditions.*

*3. Such conduct has the purpose or effect of unreasonably interfering with a student's educational performance or creating an intimidating, hostile, or offensive learning environment.*

### **Supportive Measures**

Your child is eligible for supportive measures. Supportive measures are non-punitive, individualized services to restore or preserve equal access to education, protect student and employee safety, or deter sexual harassment. Supportive measures must be offered to both the Complainant and Respondent, even if a Complainant does not wish to initiate or participate in a grievance process.

### **What are the possible sanctions under Title IX?**

Sanctions under Title IX are consistent with sanctions for other policy violations. They are:

1. *Warning:* A formal statement that the conduct was unacceptable and a warning that further violation of any JSD policy, procedure, or directive will result in more severe sanctions/responsive actions.
2. *Required Counseling:* A mandate to meet with and engage in external counseling to better comprehend the misconduct and its effects.
3. *Suspension:* Termination of student status for a definite period of time.
4. *Expulsion:* Permanent termination of student status and revocation of rights to be on any JSD campus for any reason or to attend JSD-sponsored events.
5. *Other Actions:* In addition to or in place of the above sanctions, JSD may assign any other sanctions as deemed appropriate.

### **Due Process Safeguards imposed under the Title IX grievance process**

1. The JSD presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination.
2. Determinations of responsibility are made after the investigative process.
3. The Complainant and Respondent will be allowed to inspect and review all directly related and/or relevant evidence obtained during the review and comment period following the end of the investigation.
4. JSD policy, state, and federal law prohibit retaliation against the complaining party(ies), any person participating in the investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy. Please do not attempt to contact, influence, or otherwise unduly affect the integrity of the investigation. Allegations of retaliation should be reported to the Title IX Coordinator.
5. The Complainant and Respondent have the right to an Advisor of their choosing during this process. The Advisor may also be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process.
6. The JSD makes every effort to preserve the privacy of reports under its policy.
7. JSD's policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process.
8. If you need a reasonable accommodation to assist you in engaging in this process, please let me know so we can provide such an accommodation.

**Melissa Flores**  
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A complaint may be filed via email, phone call, or by using the Jordan School District report form.

[https://compliance.jordandistrict.org/wp-content/uploads/sites/47/041\\_Title-IX-Formal-Complaint-Form.pdf](https://compliance.jordandistrict.org/wp-content/uploads/sites/47/041_Title-IX-Formal-Complaint-Form.pdf)

