

FINAL DRAFT

Outcome Determination Letter

[Insert Date], 2020

VIA ELECTRONIC COMMUNICATION

Dr. Jeffrey Ulmer
West Chester Area School District
782 Springdale Drive
Exton, PA 19341

RE: Title IX Administrative Outcome Determination Letter

Dear Mr./Ms. _____ :

This letter is to summarize the proceedings and state my findings in the Title IX administrative student conduct proceeding involving [insert Complainant's name] ("Complainant") and [insert Respondent's name] ("Respondent"). After reviewing the Final Investigation Report, interview summaries and exhibits, [if questions were asked by the parties then add "and all of the relevant information provided through answers to questions asked by the Complainant and/or Respondent"], I [or we, if the decision makers are a panel] find the Respondent, [RESPONSIBLE OR NOT RESPONSIBLE] for a violation of the school district's policies on non-discrimination. This finding is based on the analysis of all of the evidence and information provided and an application of the District's [preponderance of the evidence or clear and convincing] standard of review.

ALLEGATIONS AND APPLICABLE POLICY(S)

Sample language below:

In a complaint filed with the school district ("District") on [insert date], the Respondent was alleged to have violated the school district's non-discrimination policy under Title IX and [insert District policy number/section]. Specifically, the Respondent was alleged to have engaged in the following conduct:

- (a) [insert the specific allegation];
- (b) [insert the specific allegation];

Sexual Harassment

Sexual harassment is a form of discrimination on the basis of gender and is subject to this policy. For purposes of this policy, **sexual harassment** shall consist of unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, nonverbal, written, graphic or physical conduct of a sexual nature when:

1. Submission to such conduct is made explicitly or implicitly a term or condition of a student's status in any educational or other programs offered by a school; or
2. Submission to or rejection of such conduct is used as the basis for educational or other program decisions affecting a student; or
3. Such conduct deprives a student or group of individuals of educational aid, benefits, services or treatment; or
4. Such conduct is sufficiently severe, persistent or pervasive that a reasonable person in the complainant's position would find that it unreasonably interferes with the complainant's performance in school or school-related programs, or otherwise creates an intimidating, hostile, or offensive school or school-related environment such that it unreasonably interferes with the complainant's access to or participation in school or school-related programs.

Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- (A) fear for his or her safety or the safety of others; or
- (B) suffer substantial emotional distress.

PROCEDURAL HISTORY

To include a description of procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence and hearing held (if applicable). Sample language below:

Based on the allegations, a formal complaint was filed on [insert date] by [insert name of Complainant or Complainant's parent or Title IX Coordinator]. Following the filing of the formal complaint, a notice of investigation was delivered to the Complainant and the Respondent on [insert date], which stated the basis of the complaint and assigning an investigator to gather all relevant information to be analyzed as part of the grievance process. The investigator conducted the investigation and delivered a report to the district dated [insert date]. Following the issuance of the Final Investigation Report, a *Notice of Administrative Outcome*

Determination Proceeding was sent to the Complainant and Respondent on [insert date]. On [insert date], the decision maker [or panel] sent a written request to the Complainant and Respondent inviting each party to present any question(s) they may have to the other party. All questions that were received and deemed relevant by the decision makers were presented to the other party for a response. Any question deemed not relevant was not presented to the other party for a response and a written response was delivered to the questioner stating the basis for why their question was deemed irrelevant.

On [insert date] [*I sat as the decision maker or a panel served as the decision makers*] assigned by the District's Title IX Coordinator [convened to review or reviewed] the investigation report, answers from the Respondent and the Complainant to all relevant questions presented, all exhibits and the information received in order to deliberate and apply the District's standard of proof.

The evidence provided by the investigator included, but was not limited to, the following:

- Investigation report that included interviews of:
 - Complainant
 - Respondent
 - Witness Names
- Any documentary information
- Any text, tweets, Instagram, SnapChat, email, screenshot information
- Analyzing the content of all statements
- Reviewing any corroborating evidence

FINDINGS OF FACT

State what facts support the determination.

RATIONALE

A statement of, and rationale for, the result as to EACH allegation applying the standard of proof, including a determination regarding responsibility.

CONCLUSION

State the conclusion regarding the application of the school district's code of conduct to the facts. Sample language, in part, below:

After receiving and analyzing all of the evidence and applying the appropriate standard of review, I [if sole decision maker] or we [if a panel served as decision-maker] find that the evidence [supports or does not support] that the Respondent, [insert name], [IS or IS NOT RESPONSIBLE], for violating the school district's policy on non-discrimination and harassment.

SANCTION

State a rationale for any disciplinary sanctions the school imposes on the Respondent (if found RESPONSIBLE), and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the school to the complainant. Include what additional information was received, if any, and considered. For example, disciplinary or behavioral history for the Respondent (if any), impact of the incident on Complainant.

Respectfully,