
Students

Title IX Decisions

Title IX Decision-Maker

The Decision-Maker is effectively the judge in Title IX cases: they issue the verdict in the form of written determinations. The Title IX Decision-Maker may be: (1) a single person; (2) a panel of Decision-Makers; or (3) internal or external individuals. The Decision-Maker will be appointed by the Title IX Coordinator at the time of the filing of a formal complaint.

Exception: The Coordinator and Investigator may not also serve as the Decision-Maker.

Role of the Title IX Decision-Maker

The ultimate role of the Title IX Decision-Maker (“Decision-Maker”) is to determine whether District policy has been violated based upon the applicable standard of evidence. To reach this determination, the Decision-Maker will base their decision on an independent assessment of the evidence gathered during the investigation which will include an assessment of the credibility of the parties and witnesses.

- Decision-Makers monitor the questioning and cross-examination process and identify relevant questions.
- At the end of the process, they weigh the evidence to determine if a violation of Title IX and/or a violation of District policy has occurred.
- Decision-Makers then produce a written statement setting out their decision.

Required Training for Decision-Makers

Like the Title IX Coordinator and Investigator, the Decision-Maker must have received training regarding Title IX. Such training must include the following:

- The definition of sexual harassment;
- The scope of the District’s education programs or activities;
- How to conduct an investigation and grievance process (including hearings, appeals, and informal resolution processes);
- How to serve impartially (including how to avoid prejudgment of the facts at issue, conflicts of interest and bias).

Unlike the other Title IX positions, the Decision-Maker receives two additional trainings: (1) training on any technology that may be used throughout the

process or an appeal, and (2) training on issues addressing relevance of questions and evidence.

Process

The Decision-Maker becomes involved in the process upon completion of the Title IX Investigator’s report.

1. Questioning. Once the Title IX Investigator’s report is completed, the Decision-Maker will provide both parties with an opportunity to submit written, relevant questions to the other party and any witnesses. These questions will be submitted via the Decision-Maker. If the Decision-Maker identifies a question as “irrelevant” or “inappropriate” the Decision-Maker will so identify and will explain their reasoning. Both parties will be given an equal amount of time to submit their questions and to answer the questions posed by the other party.
2. Follow-up Questioning. The Decision-Maker will share the answers to the written questions and will provide a reasonable timeframe for relevant follow-up questions. As before, if the Decision-Maker identifies a question as “irrelevant,” “inappropriate,” or “outside the scope” the Decision-Maker will so identify and will explain the reasoning. Both parties will again be provided an equal amount of time to submit their follow-up questions and to provide responses.
3. Decision. Within a reasonable time after completion of the questioning and any follow-up questions, the Decision-Maker will make a written determination utilizing all of the evidence gathered. The Decision-Maker will apply a Preponderance of the Evidence Standard.

The written determination will include, at a minimum, the following components:

- a. Identification of the allegations;
- b. A description of the grievance procedure steps taken from the time of receipt of the formal complaint through determination, including any notifications to the parties, interviews with the parties and witnesses, site visits, and methods used to gather other evidence;
- c. Findings of fact supporting the determination;
- d. Conclusions regarding the application of the Districts policies to the facts;
- e. A statement of, and rationale for, the result as to each allegation, including
 - (i) A determination as to responsibility;
 - (ii) If the respondent’s alleged actions broke school policy:
 - o Recommendations as to disciplinary sanctions that the District may impose on the respondent; and

- o Whether remedies designed to restore or preserve equal access to the District's education programs and activities will be provided by the District to the complainant.
- f. Permissible grounds for appeal.

The Decision-Maker will provide the written determination to the Title IX Coordinator who will provide the written decision to the parties simultaneously.

If disciplinary sanctions/consequences are imposed, the Decision-Maker or Site Administrator will consider: the severity of the incident, any previous disciplinary violations, and any mitigating circumstances.

The Title IX Coordinator is responsible for the effective implementation of any remedies.

Legal Reference:

Title IX of the Educational Amendments, 20 U.S.C. §1681, *et. seq.*

KENAI PENINSULA BOROUGH SCHOOL DISTRICT
Adopted: