



SUMMARY OF TITLE IX COMPLAINT PROCESS AND PROCEDURE

Title IX of the Education Amendments Act of 1972 (“Title IX”) provides that “[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” This means that our students and employees are entitled to be free from sex-based discrimination in our educational programs or activities. This includes discrimination based on gender, gender identity, pregnancy status, parental status, and sexual harassment as defined by law.

Title IX defines “sexual harassment” as “conduct on the basis of sex” that satisfies one or more of the following:

- (1) An employee of the school system conditioning the provision of aid, benefit, or service of the school system on an individual’s participation in unwelcome sexual conduct;
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an educational program or activity of the school system; or
- (3) Sexual assault, dating violence, domestic violence, or stalking as defined under various federal statutes.

The filing of a Formal Title IX Complaint initiates the Title IX Complaint Process and Procedure, which includes a full investigation. Complainants and Respondents are entitled to have an advisor of their choice to assist them during this process. That may be a parent/guardian, trusted third-party, or attorney. If you have any questions or to file a Title IX Complaint, please contact the Title IX Coordinator, Amanda Cross, Esq. at TITLEIX@bhm.k12.al.us or 205-231-4308.

The school district must establish whether the alleged conduct occurred by a “preponderance of the evidence.” This means that once the evidence has been collected, it is more likely than not that the alleged misconduct happened.

Summary of the Grievance Procedure:

1. After a Formal Complaint is received from the Complainant by the Title IX Coordinator, the Respondent may submit a written statement in response to the allegations within **seven (7) calendar days**.
 - a. A Respondent is not required to participate in the investigative process, but the investigation will continue unless a Complainant provides written notice of their desire to withdraw the Formal Complaint; or unless the Complaint is required to be dismissed.
2. The Title IX Coordinator will assign a faculty/staff member who has been trained as a Title IX Investigator as to investigate the allegations.
 - a. This may include witness or party interviews – whether written or in person.
 - b. The investigator has the authority and discretion to conduct the investigation as he or she sees fit, so long as it follows the procedure and is free from bias.
 - c. The investigator has the authority and discretion to determine relevance and credibility of witnesses and evidence.
 - d. It is a violation of section 2.18 of the Student Code of Conduct to intentionally provide false information to an investigator. To do so will subject the person offering the false information to discipline.
3. The investigator will provide a written preliminary investigative report.
 - a. This will include an opportunity for both the Complainant and Respondent to review all evidence directly related to the allegations of the Complaint.
 - b. The parties will have **ten (10) calendar days** to review this report and submit additional evidence to the investigator. Parties are not required to respond.
4. At the conclusion of the investigation, the investigator will prepare a final report.
 - a. The final report will be sent to both parties, who will have **ten (10) calendar days** to review and respond to it in writing. Parties are not required to respond.
 - b. The final report will not make a responsibility determination. It merely summarizes relevant evidence and indicates issues such as credibility based on factors such as consistency and corroboration.
 - c. The final report, along with any written responses received from the parties, will be sent to the Title IX Coordinator and the decisionmaker.
5. A separate decisionmaker who has been trained as a Title IX Decisionmaker will be assigned to the case by the Title IX Coordinator.
 - a. This person will review the final investigative report, follow up with the investigator if necessary, and make a decision regarding responsibility.
 - b. The parties will be given an opportunity to submit written, relevant questions to the decisionmaker to be asked of any party or witness. Parties and witnesses will have **five (5) calendar days** in which to respond to any questions asked of them.
 - This may not include questions unrelated to the allegations or seeking confidential information (such as about a party's sexual history).

- c. The decisionmaker will update the parties with responses to these questions as soon as possible following receipt of the responses. Parties will then have **five (5) additional calendar days** to submit limited follow up information or questions, with **five (5) calendar days** in which to respond.
 - d. The decisionmaker will issue a decision within a reasonable time period following receipt of the parties' final responses to written questions.
 - e. If the Respondent is found responsible by a preponderance of the evidence, discipline will be imposed.
6. Any appeal of the decision must be submitted in writing to the Title IX Coordinator within **five (5) calendar days** of the final decision, and must be based on one of the following:
- a. Procedural irregularity that affected the outcome of the matter.
 - b. Conflict of interest or bias of the Title IX Coordinator, the investigator, or the decisionmaker.
 - c. Newly discovered evidence that could affect the outcome. That evidence must be provided at the time of the appeal. Speculation about the potential of additional evidence is not a basis for appeal.

Appeals will not be permitted for any other reason. Please note that the School District cannot guarantee that a complaint will be kept confidential because it is required to share certain information with all parties involved. Title IX requires that the Respondent be informed of who is making the allegations, as well as the nature of the allegations, the date and time the alleged events took place, in order to adequately respond to the allegations. Therefore, anonymous complaints are not permitted. General complaints against unknown or unnamed respondents are not permitted. The School District nevertheless will make reasonable efforts to avoid sharing information regarding formal complaints beyond those required to receive such information.

For more information, please see the District's Title IX Policy, which is available online at www.bhm.k12.al.us. The Title IX Coordinator may be reached by contacting:

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