Appendix GP to Policy No. 246, 346, 446, 546 – Attachments A-J

Attachment A

Designation of Title IX Coordinator and Contact Information

Title IX Coordinator	Megan Shafer
Office Address	301 E. Montgomery Ave., Ardmore, PA 19003
Email	shaferm@lmsd.org
Telephone Number	610-645-1928

Lower Merion School District is committed to complying fully with all Federal and state laws banning discrimination on the basis of gender, sexual orientation, gender identity/expression with regard to instructional programs, extracurricular activities, and employment practices. Any person who believes themselves to be a victim of sex discrimination by the School District should contact the Title IX Coordinator.

Date: _____

Attachment B

Formal Complaint of Sexual Harassment under Title IX

I am making a formal complaint of sexual harassment under Title IX
Formal complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment (defined below).
At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the District with which the formal complaint is filed.
A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator below.
As used in this paragraph, the phrase "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the District) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party.
The following is the information pertinent to the complaint:
Complainant(s)
Respondent(s)
Date of alleged incident:
Location of alleged incident:
Allegations:

(use additional sheets if necessary)		
Submitted by:		
Complainant		
Title IX Coordinator (only if Complainar	nt does not sign)	
Assigned Complaint No		
Assigned Complaint No.		

9/11/2020

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- A. An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
- B. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
- C. Sexual assault, dating violence, domestic violence, or stalking.

Sexual assault means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Dating violence means violence committed by a person:

- A. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- B. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. The length of the relationship.
 - ii. The type of relationship.
 - iii. The frequency of interaction between the persons involved in the relationship.

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Stalking means 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.

Attachment C

Notification to Parties of Formal Complaint

Complaint No
Date:
Pursuant to the enclosed Title IX Grievance Process ("Grievance Process"), this constitutes formal notice to you that you a have been identified as a party to a formal complaint under the District's Title IX Grievance Process. The pertinent information is set forth below:
Complainant(s)
Respondent(s)
Date of alleged incident:
Location of alleged incident:
Allegations:

(use additional sheets if necessary)

Please note the following:

➤ A determination regarding responsibility is made at the conclusion of the grievance process. Until that determination is made, respondent is presumed not responsible for the alleged conduct.

The parties may have an advisor of their choice, who may be, but is not required to be,

an attorney.

➤ The parties may inspect and review evidence as provided in the Grievance Process.

The District's code of conduct prohibits knowingly making false statements or knowingly

submitting false information during the Grievance Process.

> If, in the course of an investigation, the District decides to investigate allegations about

the complainant or respondent that are not included in this notice, the District must

provide notice of the additional allegations to the parties whose identities are known.

Title IX Coordinator

Attachment D

Dismissal of Formal Complaint of Sexual Harassment under Title IX

Complaint No
Date:
To all parties and advisors:
This Formal Complaint is dismissed for the following reason(s) checked below:
☐ The complainant has notified the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein.
☐ The conduct alleged in the formal complaint would not constitute sexual harassment as defined above even if proved.
☐The conduct alleged did not occur in the District's education program or activity.
☐The respondent is no longer enrolled or employed by the District.
□Specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. List details:
A dismissal does not preclude action under another provision of the District's code of conduct.
Please refer to the enclosed Grievance Process for rights to appeal this dismissal.
Title IX Coordinator Enclosure: Title IX Grievance Process

Attachment E

Notice of Investigative Interview, Hearing or Other Meeting

Comp	olaint No
Date:	
The fo	ollowing meeting has been scheduled in connection with the above referenced complaint:
Туре	of meeting (check whichever applies):
□ Inv	restigative Interview
□ Не	aring
□ Otl	her meeting (specify):
Date	and Time of meeting:
Locat	ion of meeting:
Date	of notice:
invest evide respo sourc	party has an equal opportunity to inspect and review any evidence obtained as part of the tigation that is directly related to the allegations raised in a formal complaint, including the nce upon which the District does not intend to rely in reaching a determination regarding insibility and inculpatory or exculpatory evidence, whether obtained from a party or other e, so that each party can meaningfully respond to the evidence prior to conclusion of the tigation.
Ву:	
Title:	
Cc:	Title IX Coordinator Complainant advisor, if any

Respondent advisor, if any

Attachment F

Investigator Disclosure of Evidence

Comple	aint No
Date: _	
To all p	parties:
allegat intend eviden	se any and all evidence obtained as part of the investigation that is directly related to the ions raised in a formal complaint, including the evidence upon which the District does not to rely in reaching a determination regarding responsibility and inculpatory or exculpatory ce, whether obtained from a party or other source, so that each party can meaningfully d to the evidence prior to conclusion of the investigation.
•	arty has 10 days to submit a written response, which the investigator will consider prior pletion of the investigative report.
Ву:	Investigator
Cc:	Title IX Coordinator Complainant advisor, if any Respondent advisor, if any

Attachment G

Investigative Report Template

Complaint No
Date:
To all parties and advisors:
The following constitutes the investigative report with respect to this Formal Complaint:
Identification of the allegations potentially constituting sexual harassment:
Parties/Witnesses interviewed and Date (s)
1
3.
4
5
6
7
8 9.
10.
Evidence Disclosed to Parties (Using Attachment F)

Summary of Relevant Evidence:

By:		
	Investigator	

Attachment H

Determination Regarding Formal Complaint of Sexual Harassment under Title IX

Complaint No
Date:
To all parties and advisors:
The following constitutes the written determination with respect to this Formal Complaint:
Identification of the allegations potentially constituting sexual harassment:
Notifications to Parties
Parties/Witnesses interviewed and Date (s)
1
2
3
5.
6.
7.
8.
9.
10.

aete	rmination, including site visits, methods used to gather other evidence, and hearings held
Findi	ngs of fact supporting the determination:

Conclusions regarding the application of the District's code of conduct to the facts:
Statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District imposes on the respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant:

Please refer to the enclosed Grievance Process for rights to appeal this dismissal. The permissible bases for appeal are:
Procedural irregularity that affected the outcome of the matter.

- > New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter.
- > The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

By:		
	Decision-maker	

Attachment I

Notification of Appeal of Final Determination.

Complaint No
Date:
To all parties and advisors:
This is to notify you that an appeal has been filed by \square Complainant \square Respondent
The bases for the appeal is/are:
$\hfill\square$ Procedural irregularity that affected the outcome of the matter. The specific procedura irregularities are:
☐ New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter. The New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made is:
☐ The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter. The specific conflict of interest:

Be advised that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.

Each party may submit a written statement in support of, or challenging, the outcome within 10 days of the date of this notice by submitting at the address below.

Ву:	
	Appeal decision-maker
	[insert contact information]

Attachment J

Notification Regarding Facilitated Informal Resolution

Comp	laint No)
Date:		
To all	parties	and advisors:
emplo an invidence proce comp the Di	oyment vestigation. Simila ss unde laint is fi	may not require as a condition of enrollment or continuing enrollment, or continuing employment, or enjoyment of any other right, waiver of the right to on and adjudication of formal complaints of sexual harassment consistent with this arly, the District may not require the parties to participate in an informal resolution or this section and may not offer an informal resolution process unless a formal led. However, at any time prior to reaching a determination regarding responsibility ay facilitate an informal resolution process, such as mediation, that does not involve ation and adjudication, provided that the District:
	(i)	Provides to the parties a written notice disclosing: the allegations, the requirements of the informal resolution process including the circumstance under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
	(ii)	Obtains the parties' voluntary, written consent to the informal resolution process and
	(iii)	Does not offer or facilitate an informal resolution process to resolve allegation that an employee sexually harassed a student.
The a	llegatior	ns are:

Description of the Informal Resolution Process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations:
□ I voluntarily consent to the informal resolution process.
☐ I do not voluntarily consent to the informal resolution process.
By: Title IX Coordinator [insert contact information]
[msert contact mormation]