

# Public Schools of Edison Township

312 Pierson Avenue \* Edison, New Jersey 08837  
Telephone (732) 452-4948 Fax (732) 452-4977



## NOTICE OF FORMAL COMPLAINT OF SEXUAL HARASSMENT UNDER TITLE IX

To: Complainant (Name and title if applicable) and Respondent (Name and title if applicable)

On \_\_\_\_\_ (date formal complaint filed) the District received a formal complaint from the above listed Complainant alleging acts that, if proven, may constitute sexual harassment as defined by federal Title IX regulations (34 C.F.R. §106.30(a)) and District Policy and Regulations. A copy of our District Policy and Regulation is attached and are incorporated in this notice. A copy of the formal complaint is also attached.

Importantly, the Respondent is presumed not responsible for the conduct alleged in the formal complaint unless determined otherwise at the conclusion of the grievance process.

### Investigator and Decision-Maker

The District has appointed \_\_\_\_\_ (name and title of investigator) to investigate this complaint. The investigator will contact you for more information regarding this complaint. The investigator will conduct an independent investigation of the matters stated in the formal complaint.

The District has appointed \_\_\_\_\_ (name and title of decision-maker) to make a determination as to whether, based on a preponderance of the credible evidence, sexual harassment occurred. The decision-maker is neither the Title IX coordinator nor the investigator. You are directed not to contact the decision-maker except as outlined in the grievance process below or as allowed by the decision-maker.

### You May Appoint an Advisor

The Complainant and Respondent may each appoint an advisor to accompany them to any meeting or hearing during this grievance process and to have access to evidence. The advisor may

be, but is not required to be, an attorney. Please notify the Title IX coordinator of the name and contact information of the advisor if you appoint one. You are not required to appoint an advisor.

### **Notice of the Grievance Process**

The following will occur:

1. The investigator will review all documentary evidence and interview all witnesses.
2. Before the investigative report is completed, the investigator will send to you and the other party, as well as to your advisor if you have one, all evidence that was received that is directly related to the complaint, regardless of whether the investigator will rely on it, in electronic format or hard copy. Once you have received the evidence, you will have at least ten days to submit a written response, which the investigator will consider.
3. After you return your written response (if any) to the evidence, the investigator will provide an investigative report to the decision-maker. Each party will receive a copy of the report at least ten business days prior to the date the decision-maker will determine responsibility, for each party's review and written response.
4. Before a decision is made, both parties will have the opportunity to submit written, relevant questions to the decision-maker to be asked to any witness or party. The decision-maker will provide each party with the answers to the questions and allow for additional, limited follow-up questions from each party. The decision-maker may exclude irrelevant questions but must explain why any question was excluded.
5. After the closing of the questions period, the decision-maker will provide to both parties a written Title IX decision, including a determination on whether sexual harassment in violation of Title IX and the district's policy occurred. The decision will be final once the time for appeal has passed or upon the conclusion of the appeal. The grievance process will be completed within ninety (90) business days, unless extended for good cause shown.
6. Either party may appeal the written decision by notifying the Title IX coordinator in writing within five (5) business days of receiving the written decision. Challenges to the decision are limited to one or more of the following grounds:
  - a. There was a procedural irregularity that affected the outcome.
  - b. There is new evidence that was not reasonably available at the time of the determination that could affect the outcome; or

- c. 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 an individual Complainant or Respondent that affected the outcome of the matter.

You will be provided a form to document the basis for your appeal.

7. The Title IX Coordinator will notify you of the decision-maker for the appeal, who will be someone different than the initial decision-maker. Both parties will receive an opportunity to submit a written statement supporting or opposing the determination made by the initial decision-maker. A written decision on the appeal will be made and provided to you within twenty (20) business days after receiving the notification of the appeal.

Additional details regarding these steps are listed in Board policy and regulations, which are included with and considered part of this notice.

### **Supportive Measures Available**

The district offers a number of individualized services for both the Complainant and the Respondent free of charge, when appropriate. These services are intended to assist you during this grievance process so that you can safely continue your education.

Supportive Measures are nondisciplinary, nonpunitive, individualized services offered as appropriate, as reasonably available and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the district's education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, safety escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

If you are interested in these or other supportive measures, please contact the Title IX

coordinator. **Potential Consequences**

If the Respondent is determined to have engaged in sexual harassment under Title IX, the Respondent may be disciplined to the extent appropriate and permissible by the District Code of Conduct and applicable provisions of the New Jersey School Laws.

### **Informal Resolution Process**

If both parties voluntarily consent in writing, this complaint may be resolved through an informal process such as mediation, as opposed to the more formal process outlined above. If you are

interested in this option, please contact the Title IX Coordinator. Please note that you must request this option before a decision is reached regarding the formal complaint.

Title IX Coordinator's Signature

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Title IX Coordinator's Printed Name