

TITLE IX SEXUAL HARASSMENT TRAINING

SCENARIO



BRANDON CAREY
OSSBA STAFF ATTORNEY

UPDATED ON SEPT. 30, 2025

TITLE IX INVESTIGATION STEPS

1. Actual Notice/Report to Title IX Coordinator: If any employee of the district has notice of conduct that may violate Title IX's prohibition against sexual harassment, report it to the Title IX coordinator and building principal.
2. Initial Discussion/Supportive Measures: Title IX coordinator contacts the complainant (i.e., the individual alleged to be the victim of harassment) and:
 - a. offers supportive measures, and
 - b. explains how to file a formal complaint.
3. Law Enforcement/DHS Referral: Does the allegation require a law enforcement or DHS referral?
4. Formal Complaint: To proceed under Title IX, a formal complaint must be submitted by the complainant or the Title IX Coordinator? If no formal complaint, proceed under a different aspect of the student code of conduct.
5. Jurisdictional Determination: Determine whether the district has jurisdiction over the subject matter, the people, and the place, event, or activity at which the conduct allegedly occurred.
6. Notice to Parties/Assign Investigator: Provide written notice to parties that meets the requirements of 34 C.F.R. 106.45(b)(2) and assign an employee to investigate the allegation(s).
7. Supportive Measures: The Title IX Coordinator determines whether supportive measures are necessary for both parties.
8. Emergency Removal: Before an emergency removal, the district must perform an individualized risk analysis, determine that an immediate threat to the health or safety of students or employees justifies removal, and provide the respondent with notice and an opportunity to challenge the decision immediately following removal.
9. Informal Resolution: If the district offers an informal resolution process, determine whether it is appropriate in the matter being investigated. (Informal resolution is not appropriate if the respondent is an employee of the district.)
10. Investigation
 - a. Notice of Interviews: Provide notice of interviews that provides the date, time, place, and purpose.

- b. Interviews: Interview the complainant and respondent, and any witnesses that may have relevant information to contribute.
 - c. Evidence: Obtain any evidence that will help the district make a determination (e.g., text messages, emails, social media posts, surveillance video, medical documentation, etc.). ***This should begin after notice of the possible conduct and continue throughout the investigation.***
11. Opportunity to Inspect: Prior to completion of the investigatory report, provide all evidence directly related to the allegation(s) to both parties and their advisors in electronic or hard copy format, and allow both parties ten (10) days to provide a written response. These responses must be considered before finalizing the investigatory report.
12. Investigative Report: Write a report that contains all relevant evidence and analyzes the issues under investigation. Witness statements, interview notes and other evidence should be attached as exhibits.
13. Submit Report to Parties and Decision-Maker: The report must be submitted to the parties and their advisors at least ten (10) days prior to a hearing or decision. Any responses from the parties should be considered by the decision-maker prior to a final determination.
14. Live Hearing and/or Follow-up Questions: Live hearings are optional for K-12 institutions but mandatory for postsecondary institutions. With or without a live hearing, the decision-maker must ask each party and any witnesses any relevant questions and follow-up questions, including that challenging credibility, that a party wants asked of any party or witnesses.
- a. Afford each party the opportunity to submit written questions;
 - b. Provide each party with the answers; and
 - c. Allow for additional, limited follow-up questions from each party.
15. Written Determination/Outcome Letter: Send a written notice of the determination, that complies with 34 C.F.R. 106.45(b)(7), to both parties.
16. Appeal: Ensure that the parties are aware of their rights to appeal the final determination. If an appeal is filed, follow the steps in district policy.

INVESTIGATION TIMELINE

(formal complaint, notice of investigation/interviews, supportive measures, interviews, written statements, obtaining evidence, inspection of evidence, investigation report, follow-up questions, determination)

<u>Action</u>	<u>Date</u>
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
11. _____	_____
12. _____	_____
13. _____	_____
14. _____	_____
15. _____	_____
16. _____	_____
17. _____	_____
18. _____	_____
19. _____	_____
20. _____	_____

The Complaint

Step 1: Actual Notice

On Monday, March 31, 2025, Leah, a 15-year-old freshman at Jackson High School (JHS), asks to speak to her math teacher, Ms. Craft, after 4th hour. Leah says she needs to tell her about an incident with another student that occurred at the soccer match with Madison High School (MHS) last week. She said she had just bought a Gatorade at the concession stand when she noticed Kayla, another 15-year-old freshman, and a member of the JV soccer team, walking over with tears in her eyes. Leah went up to console her and ask what was going on and, according to Leah, Kayla said that she thought she had just been raped. Leah said that, when she inquired further, Kayla would only say, "I didn't want it to happen."

Is this actual notice under the Title IX standards? If so, why?

- _____
- _____

What should Ms. Craft do at this point?

- _____

Step 2: Initial Discussion/Supportive Measures

Ms. Craft informed Leah that it was important that this information be reported to Ms. Mendoza, the Title IX Coordinator and Mr. Howard, the site assistant principal assigned to handle Title IX matters. She escorted Leah to Mr. Howard's office where they contacted Ms. Mendoza by phone.

Once notified, what steps should Ms. Mendoza take?

- _____
- _____
- _____

What steps, if any, should Mr. Howard take?

- _____
- _____
- _____

What types of supportive measures might be helpful?

- _____
- _____
- _____
- _____

As Mr. Howard goes to find Kayla and get her parents on the phone, Ms. Mendoza comes to his office. Ms. Mendoza tells Kayla and her parents what she has learned, speaks to her about supportive measures, and explains how to file a Title IX complaint. After getting over their shock (for Kayla, that the administrators, and now her parents, know about the situation, and for her parents, that their daughter was possibly raped), Kayla asks to speak to her parents alone.

What else, if anything, should Ms. Mendoza explain to Kayla and her parents?

- _____
- _____

Step 3: Contact Law Enforcement/DHS Referral

While Kayla speaks to her parents, Ms. Mendoza contemplates calling the local police department to report an alleged crime.

Should Ms. Mendoza call the police at this point?

- _____

What information should be documented when a report is made?

- _____
- _____
- _____

Should Ms. Mendoza contact DHS?

- _____
- _____

Step 4: Formal Complaint

After 15 or 20 minutes Kayla comes out and reports that she wants to file a complaint, and relays the following:

Last Thursday she was at MHS for the JHS-MHS soccer games (Kayla is on the girls' JV team). After the JV game she went into the stands to sit with friends and watch the varsity play. At some point during the girls' varsity game, she realized she had left her sweatshirt in the visiting girls' locker room, so she went over to the locker room to get it. The door was unlocked so she went into the room and found the shirt on a bench. As she was grabbing the shirt when the door opened and Nathan, a 17-year-old junior at JHS, entered the room, shut the door, and quickly approached her. He started kissing her and she froze. He then pulled down her shorts and underwear and had nonconsensual, unprotected intercourse with her. She never said a word and was scared the entire time.

Ms. Mendoza asks her to write down this information and to indicate that she wants the district to investigate.

Now that Ms. Mendoza has this information, what should she do?

- _____
- _____
- _____
- _____

If Kayla had refused to file a complaint, what steps would the district need to take?

- _____

Step 5: Jurisdictional Determination

Ms. Mendoza determines that, based on the information provided in the complaint, the school has jurisdiction to investigate under Title IX.

- First, the information, if true, would violate Title IX's prohibition against sexual harassment (specifically, the sexual assault element).
- Second, although it did not occur on school grounds, the alleged act occurred at a school sponsored activity.
- Third, the district has jurisdiction over both the complainant and respondent, as they are both students at JHS.

Once Ms. Mendoza has determined that the district has jurisdiction to investigate this allegation under Title IX, what steps should she take?

- _____
- _____
- _____

Step 6: Notice to Parties/Assign Investigator

Ms. Mendoza immediately assigns Mr. Howard as the investigator. This assignment is pursuant to the district's previously determined investigative structure, which assigns deputies at each school site to handle the investigative work.

What should Mr. Howard do upon being assigned to investigate the case?

- _____
- _____

Mr. Howard sent notice letters to both students and their parents. The letters notified both parties of the district's decision to open a Title IX complaint, the specifics of the allegation, and the policies allegedly violated. The notices also contained language required under federal law, such as that the respondent is presumed innocent until a finding is made.

What should Mr. Howard do after sending notices to the parties?

- _____
- _____
- _____
- _____

NOTICE OF TITLE IX INVESTIGATION & INTERVIEW

Date: March 31, 2025

Addressee: Kayla

Dear Kayla:

This letter is in reference to the formal Title IX complaint that you filed alleging conduct that, if true, would violate district policies prohibiting sexual harassment. The policies allegedly violated include:

- BL – Sexual Harassment Policy
- EG-R1-F1 – Student Discipline, Suspension, & Due Process

Specifically, on March 31, 2025, you filed a formal complaint alleging that Nathan (“respondent”) engaged in the following conduct: on March 27, 2025, the respondent sexually assaulted you in the girls’ visiting locker room at Madison High School during the JV soccer matches between Jackson High School and Madison High School.

At this time, the respondent is presumed not responsible for the alleged conduct, as a determination regarding responsibility will not be made until the conclusion of the grievance process. Below, you will find information to help you understand the district’s grievance process and your rights in this matter:

- The district’s applicable procedures are to be found online at _____. If you need a hardcopy or accessible copy of these procedures, you should direct a request to the investigator, Mr. Howard (assistant principal) at the number listed below.
- You have the right to one (1) advisor of your choice to accompany you and assist you throughout the district’s process. The advisor may be, but does not have to be, an attorney.
- You will have the right to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint. Prior to the conclusion of the investigative report, the investigator will submit the evidence to you and the respondent in electronic or hard copy format, and you and the respondent will have ten (10) days to submit a written response. The investigator will consider the responses before finalizing the investigative report.
- The district’s student code of conduct prohibits students from knowingly making false statements or submitting false information during the grievance process.

The individual assigned to investigate this complaint needs to meet you for an interview for the purpose of obtaining your response to the allegations, and to obtain further information and evidence, if any. The details of the interview are as follows:

Fictional scenario created by OSSBA Staff Attorney Brandon Carey on September 30, 2025, for Title IX investigation training purposes.

- Date: April 1, 2025
- Time: 9:00 a.m.
- Location: JHS Principal's Office
- Participants: Mr. Howard, Mr. Manning (assistant principal)

If you have a conflict during this time, please contact the investigator to arrange a different time. Also, if you have materials or other evidence that you believe are relevant to the investigation, please bring them to the interview

Should you have any questions about the process and/or the interview, please contact the Mr. Howard at the number listed below.

Signed,

Jay Howard
Assistant Principal
Jackson High School
Office # (555) 555-5555
Email: jhoward@jhs.com

NOTICE OF TITLE IX INVESTIGATION & INTERVIEW

Date: March 31, 2025

Addressee: Nathan

Dear Nathan:

This letter is to inform you that a formal complaint has been filed alleging that you have engaged in conduct that, if true, would violate district policies prohibiting sexual harassment. The policies allegedly violated include:

- BL – Sexual Harassment Policy
- EG-R1-F1 – Student Discipline, Suspension, & Due Process

Specifically, on March 31, 2025, a formal complaint was filed alleging that you engaged in the following conduct: Kayla _____ has alleged that on March 27, 2025, you sexually assaulted her in the girls' visiting locker room at Madison High School during the JV soccer matches between Jackson High School and Madison High School.

At this time, you are presumed not responsible for the alleged conduct, as a determination regarding responsibility will not be made until the conclusion of the grievance process. Below, you will find information to help you understand the district's grievance process and your rights in this matter:

- The district's applicable procedures are to be found online at _____. If you need a hardcopy or accessible copy of these procedures, you should direct a request to the investigator, Mr. Howard (assistant principal) at the number listed below.
- You have the right to one (1) advisor of your choice to accompany you and assist you throughout the district's process. The advisor may be, but does not have to be, an attorney.
- You will have the right to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint. Prior to the conclusion of the investigative report, the investigator will submit the evidence to you and the complainant in electronic or hard copy format, and you and the claimant will have ten (10) days to submit a written response. The investigator will consider the responses before finalizing the investigative report.
- The district's student code of conduct prohibits students from knowingly making false statements or submitting false information during the grievance process.

The individual assigned to investigate this complaint needs to meet you for an interview for the purpose of obtaining your response to the allegations, and to obtain further information and evidence, if any. The details of the interview are as follows:

Fictional scenario created by OSSBA Staff Attorney Brandon Carey on September 30, 2025, for Title IX investigation training purposes.

- Date: April 2, 2025
- Time: 9:00 a.m.
- Location: JHS Principal's Office
- Participants: Mr. Howard, Mr. Manning (assistant principal)

If you have a conflict during this time, please contact the investigator to arrange a different time. Also, if you have materials or other evidence that you believe are relevant to the investigation, please bring them to the interview

Should you have any questions about the process and/or the interview, please contact the Mr. Howard at the number listed below.

Signed,

Jay Howard
Assistant Principal
Jackson High School
Office # (555) 555-5555
Email: jhoward@jhs.com

Notice of Temporary Delay

April 1, 2025

Dear Nathan:

The purpose of this communication is to provide notice of a temporary delay in the Title IX grievance process in which you are currently involved. The Title IX regulations at 34 C.F.R. 106.45(b)(1)(v) allow for a temporary delay of the investigation timelines for “good cause”. The reason for the current temporary delay is as follows:

- Absence of a party, a party’s advisor, or a witness: _____
- Concurrent law enforcement activity: The JHS campus police have asked the district to delay its investigation while they perform initial fact-finding pursuant to a criminal investigation.
- Language assistance or disability accommodations: _____
- Other reasons: _____

The delay is expected to last until April 14, 2025. At that time, the district plans to resume the investigation. Feel free to contact Mr. Jay Howard at jhoward@jhs.com if you have any questions.

Step 7: Offer Supportive Measures

Supportive measures should be offered to both parties to ensure continued access to the educational environment pending the completion of the investigation.

What supportive measures may be helpful in this situation?

- _____
- _____
- _____
- _____

Title IX Investigation – Supportive Measures

The following supportive measures were provided to Nathan pending the completion of the investigation into a formal Title IX complaint alleging that he violated the district's policies against sexual harassment, which was submitted on March 31, 2025.

- ☐ New seating assignments: _____
- ☐ Increased monitoring of parties/areas: _____
- ☐ No contact order: Put in place for both parties on March 31, 2025
- ☐ Schedule change: _____
- ☐ Referral to counselor: Although Nathan is on suspension he has been given a pass to the counselor's office and may use it at any time.
- ☐ Other: _____

Step 8: Emergency Removal

Mr. Howard had to make a decision about Nathan's status during the investigation. Under the Title IX procedures, a student can only be removed from school after a risk and safety analysis is conducted. To remove the Nathan, Mr. Howard must determine:

- That an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and
- Provide the respondent with notice and an opportunity to challenge the decision immediately following the removal.

Emergency Removal

On March 31, 2025, you were notified that a formal complaint was filed alleging that you had engaged in conduct that, if true, would violate district policies prohibiting sexual harassment. The Title IX regulations, at 34 C.F.R. 106.44(c), allow school districts to remove a student from the school setting on an emergency basis, as long as the district:

- undertakes an individualized safety and risk analysis,
- determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and
- provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

The formal complaint alleges that you engaged in the following behavior: Kayla has alleged that on March 27, 2025, you sexually assaulted her in the girls' visiting locker room at Madison High School during the JV soccer matches between Jackson High School and Madison High School. Based on the nature of the alleged behavior, we believe that you pose an immediate threat to the physical health or safety of Kayla and other students, which justifies your removal from the school setting on an emergency basis. Therefore, you are prohibited from being on any school district properties, or attending any school sponsored events, until further notice. Please contact the following individual at one of the listed contact options for information on your educational plan during the time of the emergency removal.

Name: Mr. Jay Howard, Assistant Principal
Email: jhoward@jhs.com
Phone Number: (555) 555-5555
Office Address: 100 School Drive
Office 20
Jackson, OK 55555

You also may challenge this decision by contacting the following individual, in writing, at one of the listed contact options.

Name: Mr. Jay Howard, Assistant Principal
Email: jhoward@jhs.com
Phone Number: (555) 555-5555
Office Address: 100 School Drive
Office 20
Jackson, OK 55555

If you choose to challenge this removal, your written challenge must be received by April 3, 2025.

If you have any questions about this process, feel free to contact me.

Fictional scenario created by OSSBA Staff Attorney Brandon Carey on September 30, 2025, for Title IX investigation training purposes.

Sincerely,
Jay Howard
Assistant Principal
Jackson High School
Office # (555) 555-5555
Email: jhoward@jhs.com

Step 9: Informal Resolution

This process is allowed at any time prior to a final determination.

- Both parties must voluntarily consent in writing
- Cannot be used if allegation involves an employee harassing a student

Based on the allegation, would an attempt at informal resolution make sense?

- _____

Step 10: Investigation

- **Step 10(a) Notice of Interviews**

- For the claimant and respondent, this was part of the notice letter.

At this point, should any other interview notices be sent out?

- _____
- _____

Steps 10(b) & 10(c): Interviews & Evidence Gathering

Prior to formally interviewing Kayla and Nathan, Mr. Howard began evidence gathering and identifying possibly witnesses to interview.

At this time, what evidence should Mr. Howard request?

- _____
- _____
- _____
- _____

What questions should be asked of Kayla in her formal interview?

Interview of Kayla

Mr. Howard and Ms. Johnson, the JHS principal, interview Kayla on April 1, 2025, with Ms. Johnson doing the questioning. They confirm the details above and learn the following:

- Nathan and several friends were at the JV game as spectators;
- Kayla and Nathan were sitting together in the stands;
- Kayla and Nathan had been “talking” and sometimes called and texted each other;
- Another JV soccer player, Sarah, walked into the locker room as the incident was occurring, said “oh, boy” and immediately left.
- After the incident, Kayla saw Leah near the concession stand, who immediately asked her if something was wrong. The two went to a different side of the visitors’ stands and talked about the incident. They stayed there until it was time to get on the bus and go back to campus.

What questions should be asked of Nathan in his formal interview?

Interview of Nathan

The interview of Nathan was scheduled for Friday, April 2, 2025. Nathan brought his mother as his representative. He provided the following information.

- Nathan said that he and Kayla had been “talking” for a while, and early last week had verbally discussed “taking the next step” that weekend (which would have been the weekend of April 3-4). When asked what he meant by “taking the next step” he said they weren’t specific but definitely were talking about some type of sexual activity.
- He said that Kayla knew he was coming to the game and that he was looking forward to hanging out.
- During the game they were holding hands and making flirtatious comments, some of which could be considered sexual innuendo. She even placed her hand on his inner thigh. At some point Kayla said, “I’m cold. I should go to the locker room and warm up. I wouldn’t be mad if you came and warmed up with me.”
- When Mr. Howard asked if Kayla said anything about going to get her sweatshirt, Nathan said “no”, and that she was wearing a sweatshirt when they were in the stands.
- After Kayla left, he waited a minute or so and went to the locker room, where he and Kayla began making out in a corner that was hard to see from the door.
- He said that she made the first move when he walked up to her, and it was “clear” that she wanted to have sex. He said that it was “clear” by the way she was acting. Specifically, she did not object when he placed his hand under her shirt, and she rubbed his crotch over his jeans.
- Nathan admitted to taking off Kayla’s shorts and underwear and having unprotected sex with Kayla but swore that it was completely consensual.
- He also remembered someone walking in and saying something and quickly leaving but he was unsure of who it was because he wasn’t facing the door.

- Finally, he said that afterward he left as Kayla got dressed, and that they did not say much, although they did share a goodbye kiss. He also said that they did not hang out last weekend because she wouldn't answer his calls or text messages.
1. Is there new and/or conflicting information that Mr. Howard should investigate?
Sweatshirt, conversation in stands, verbal conversation.
 2. Based on the conversation with Nathan, should Mr. Howard pursue any new witnesses or evidence?

NOTICE OF TITLE IX INTERVIEW

Date: April 2, 2025

Addressee: Leah

Dear Leah:

You have been identified as a possible witness for an ongoing investigation of alleged violations of district policy. The policies allegedly violated include:

- BL – Sexual Harassment Policy
- EG-R1-F1 – Student Discipline, Suspension, & Due Process

You have not been accused of wrongdoing. Rather, you have simply been identified as someone that may have information relevant to the matter. The individual assigned to investigate this complaint needs to meet you for an interview. The details of the interview are as follows:

- Date: April 4, 2025
- Time: 10:00 a.m.
- Location: Principal's Office – Jackson High School
- Participants: Mr. Jay Howard, Ms. Lisa Johnson
- Purpose: Investigative interview to obtain information and evidence about the matter, if any.

If you have a conflict during this time, please contact the investigator to arrange a different time. Also, if you have materials or other evidence that you believe are relevant to the investigation, please bring them to the interview

Should you have any questions about the process and/or the interview, please contact the investigator listed above at the email or number listed below.

Signed,

Jay Howard
Assistant Principal
Jackson High School
Office # (555) 555-5555
Email: jhoward@jhs.com

NOTICE OF TITLE IX INTERVIEW

Date: April 2, 2025

Addressee: Sarah

Dear Sarah:

You have been identified as a possible witness for an ongoing investigation of alleged violations of district policy. The policies allegedly violated include:

- BL – Sexual Harassment Policy
- EG-R1-F1 – Student Discipline, Suspension, & Due Process

You have not been accused of wrongdoing. Rather, you have simply been identified as someone that may have information relevant to the matter. The individual assigned to investigate this complaint needs to meet you for an interview. The details of the interview are as follows:

- Date: April 4, 2025
- Time: 9:00 a.m.
- Location: Principal's Office – Jackson High School
- Participants: Mr. Jay Howard, Ms. Lisa Johnson
- Purpose: Investigative interview to obtain information and evidence about the matter, if any.

If you have a conflict during this time, please contact the investigator to arrange a different time. Also, if you have materials or other evidence that you believe are relevant to the investigation, please bring them to the interview

Should you have any questions about the process and/or the interview, please contact the investigator listed above at the email or number listed below.

Signed,

Jay Howard
Assistant Principal
Jackson High School
Office # (555) 555-5555
Email: jhoward@jhs.com

What questions should be asked of Leah during her interview?

Interview of Leah

On the morning of April 4, 2025, Mr. Howard and Ms. Johnson interviewed Leah. They verified Leah's initial story and also learned that:

- Leah and Kayla had not spoken about the incident since the night of March 27, 2025;
- She did not remember whether Kayla was wearing a sweatshirt in the stands prior to the incident;
- Leah does not know any further information about the incident.

What questions should be asked of Sarah during her interview?

Interview of Sarah

On the morning of April 4, 2025, Mr. Howard interviewed Sarah, a 16-year-old sophomore who competes on the JV soccer squad. Ms. Howard asked if Sarah had seen anything at the March 27th soccer games at MHS that Ms. Howard should know about. Sarah was somewhat evasive (“not that I can think of”) when Ms. Howard finally asked whether she had witnessed anything in the girls’ locker room during the varsity girls’ game. Sarah lowered her eyes and admitted she had. She provided the following information:

- When she was sitting in the stands watching the girls’ varsity game, she realized she couldn’t find her necklace and decided to go check in the locker room.
- As soon as she opened the door, she heard some moaning sounds to her left, and when she looked left, she saw Nathan and Kayla on the floor near the corner. Nathan was on top of Kayla, and it appeared they were having sex, although it was somewhat hard to see because a couple of benches obstructed her view and the wall in that corner of the locker room went further back than the rest of the wall.
- Sarah said that she said something like, “oh my gosh” or “oh, boy”, quickly exited the locker room and closed the door.
- When asked if it looked like Kayla was uncomfortable or resisting, she said “not from what I could tell. And by the way they were acting in the stands, I wasn’t surprised that it was happening.”
- Sarah said that in the stands she was one row down and a few seats to the left of Kayla.
- She said that Nathan and Kayla were sitting next to each other, holding hands and “acting very close and touchy.” She did not hear the conversation between the two.
- When asked if Kayla was wearing a sweatshirt in the stands, Sarah said that she “thinks so” but wasn’t 100% sure. She did not know why Kayla went to the locker room in the first place.
- She also said that, a few minutes after she returned to the stands, Nathan returned to the stands and began joking with his buddies.

- She did not see Kayla until they got on the bus to return to JHS.
1. Did you learn anything new during this conversation?
 2. What new avenues of inquiry, if any, should you pursue.
 3. What new evidence and/or witnesses should you pursue.

NOTICE OF TITLE IX INTERVIEW

Date: April 8, 2025

Addressee: Kayla

Dear Kayla:

This letter is in reference to the formal Title IX complaint that you filed alleging conduct that, if true, would violate district policies prohibiting sexual harassment. The policies allegedly violated include:

- BL – Sexual Harassment Policy
- EG-R1-F1 – Student Discipline, Suspension, & Due Process

The individual assigned to investigate this complaint needs to meet you for a follow-up interview for the purpose of obtaining your response to the information gathered to date, and to obtain further information and evidence, if any. The details of the interview are as follows:

- Date: April 10, 2025
- Time: 9:00 a.m.
- Location: JHS Principal's Office
- Participants: Mr. Howard, Ms. Johnson (assistant principal)

If you have a conflict during this time, please contact the investigator to arrange a different time. Also, if you have materials or other evidence that you believe are relevant to the investigation, please bring them to the interview

Should you have any questions about the process and/or the interview, please contact the Mr. Howard at the number listed below.

Signed,

Jay Howard
Assistant Principal
Jackson High School
Office # (555) 555-5555
Email: jhoward@jhs.com

NOTICE OF TITLE IX INTERVIEW

Date: April 8, 2025

Addressee: Nathan

Dear Kayla:

This letter is in reference to the formal Title IX complaint that was filed alleging that you engaged in conduct that, if true, would violate district policies prohibiting sexual harassment. The policies allegedly violated include:

- BL – Sexual Harassment Policy
- EG-R1-F1 – Student Discipline, Suspension, & Due Process

The individual assigned to investigate this complaint needs to meet you for a follow-up interview for the purpose of obtaining your response to the information gathered to date, and to obtain further information and evidence, if any. The details of the interview are as follows:

- Date: April 10, 2025
- Time: 11:00 a.m.
- Location: JHS Principal's Office
- Participants: Mr. Howard, Ms. Johnson (assistant principal)

If you have a conflict during this time, please contact the investigator to arrange a different time. Also, if you have materials or other evidence that you believe are relevant to the investigation, please bring them to the interview

Should you have any questions about the process and/or the interview, please contact the Mr. Howard at the number listed below.

Signed,

Jay Howard
Assistant Principal
Jackson High School
Office # (555) 555-5555
Email: jhoward@jhs.com

What follow-up questions should you ask Kayla?

Follow-up Interview - Kayla

On April 10, 2025, Ms. Johnson and Mr. Howard again interviewed Kayla. Ms. Johnson said that the district was taking her allegations seriously, but some new information was presented that contradicted some of her story. She then showed Kayla the video of her entering the locker room with the sweatshirt, and Kayla started crying. Ms. Johnson gave her a tissue and allowed her to collect herself and then presented the information about her and Nathan's interactions in the stands. Kayla eventually said the following:

- She lied about the sweatshirt because she was afraid if she told them what actually happened, they would not believe that Kayla was raped.
- She admitted to snuggling with Nathan and holding his hands in the stands, and she also invited him to meet her in the locker room. When asked what her intentions were, she said she wasn't sure. She was interested in "sexual stuff" but had never had sex and wasn't sure what would happen.
- She said that when Nathan showed up, she got very nervous and scared, so when he walked up to her, she immediately initiated kissing to "get over being scared."
- Kayla said that she "froze" when Nathan began taking off her soccer shorts. She did not want to have sex but was scared to say anything. She said she never once consented, not verbally or physically, and Nathan never asked. She said the experience was painful and scary and she began to cry as soon as he left.
- When asked if they had a goodbye kiss, as Nathan indicated, she said Nathan kissed her, but she was in a daze.
- She said that she knows she did things she shouldn't have but she was sure she did not want to have sex at the moment it happened.

What follow-up questions should you ask Nathan?

Follow-up Interview - Nathan

Nathan was interviewed again on April 10, 2025, and his mother was again present. Mr. Howard asked about the sexual encounter again and why he believed he had consent to have sex with Kayla. Nathan said the following:

- He knew he had consent because they had been flirting in a sexual manner for a couple of weeks, she invited him down to the locker room, and she made the first move in the locker room.
- When asked if she had verbally consented to intercourse he said “no, but her actions definitely showed she wanted to.”
- When asked to explain, he said that he placed his hand under her shirt and she did not push him away, and that she rubbed his crotch over his jeans.
- When asked if Kayla had willingly removed any of his cloths, he said that he removed his own clothes.
- When asked if she seemed upset afterward, he said she seemed normal to him.

Assumptions

Assume that other students identified as sitting near Kayla and Nathan in the stands have been interviewed and roughly testified to the following:

- Kayla and Nathan were definitely holding hands and cuddling.
- They were whispering to each other and sometimes laughing, but nobody heard what they said.
- Most witnesses remember Kayla wearing a sweatshirt in the stands.
- Kayla eventually left, followed shortly thereafter by Nathan.
- Nathan came back to the stands 20 or 30 minutes later, but Kayla never did.

The MHS principal sent surveillance video from outside the locker room that was recorded during the time of the game. The video shows the following:

- Kayla entering the locker room and closing the door behind her at 5:46 p.m., while wearing a blue JHS Soccer sweatshirt, followed at 5:49 p.m. by Nathan, who entered the locker room and closed the door.
- Sarah approaching the locker room door at 6:02 p.m., opening the door, stepping inside, and immediately backing out and closing the door. She walked off hurriedly.
- Nathan exiting the locker room and closing the door at 6:11 p.m.
- Sarah exiting the locker room and closing the door at 6:17 p.m. She seems to wipe her sleeve across her eyes and walk off with her head down.

Step 11: Opportunity to Inspect

After all interviews were conducted and evidence was gathered, Mr. Howard scanned all documentary evidence into a PDF file. This evidence included:

- The written complaint
- The documentation of the report to the police
- The transcripts of all interviews (the parties and witnesses)
- The text messages obtained from Kayla's phone
- Snap shots from the surveillance video

This information was provided to the complainant and respondent, and their advisors (in this situation, their parents), on April 16, 2025. In the email, Mr. Howard explained that both could file a written response to this information, but that it had to be received in his office by **Monday, April 28, 2025**, or it would not be considered in the investigation report.

Step 12: Submit Investigative Report to Parties & Decision-Maker

The investigator must submit the investigation report to the parties and the decision-maker at least 10 days prior to a hearing or determination. The decision-maker cannot make a decision until 10 days have passed, and must ask the parties if they want to ask any final, written questions of the other party and, if so, obtain answers.

- Afford each party the opportunity to submit written questions to the other party,
- Provide each party with the answers, and
- Allow for additional, limited follow-up questions

TITLE IX INVESTIGATION REPORT

Complainant: Kayla, Sophomore, JHS
Respondent: Nathan,
Date of Alleged Incident(s): March 27, 2025
Date of Complaint: March 31, 2025
Date of Report: April 30, 2025
Investigators: Mr. Jay Howard, Assistant Principal, JHS;
Ms. Jill Johnson, Principal, JHS

Background & Allegations

Background

(Background should include when, how & to whom allegation reported, immediate actions taken [discussion with claimant, law enforcement/DHS reports, interim measures, etc.])

On March 31, 2025, immediately following her 4th hour class, Leah (“Student Witness 1” or “SW1”) verbally alleged to Ms. Craft (“teacher”) that Sarah (“the complainant”) was raped by Nathan (“the respondent”). The teacher asked the complainant to accompany her to the Jackson High School (“JHS”) office, where the allegation was relayed to Mr. Howard, the Assistant Principal, and Ms. Mendoza, the JHS Title IX Coordinator. Mr. Howard and Ms. Mendoza then spoke to the complainant and her parents, provided notice of the right to file a Title IX complaint and explained how to do so, and offered supportive measures to the complainant (Exhibit _). The complainant then filed a formal complaint and provided it to Ms. Mendoza on March 31, 2025 (Exhibit 1). Supportive measures were then of provided to the respondent.

Ms. Mendoza also filed a report with the JHS campus police department on March 31, 2025.

See Exhibit 2 of the appendix for the investigation timeline, interim measures and DHS/law enforcement referrals, if necessary.

Allegations

- Allegation 1: The complainant alleged that, on March 27, 2025, she was raped in the female visitors’ locker room at Madison High School (“MHS”) during the girls’ varsity soccer game between JHS and MHS. Specifically, she alleged that she went to the locker room to retrieve a sweatshirt she had left in the area, and as she was in the locker room the respondent entered the room, closed the door, and upon approaching

Fictional scenario created by OSSBA Staff Attorney Brandon Carey on September 30, 2025, for Title IX investigation training purposes.

her began kissing her. The complainant said that she was in fear and froze, and the respondent pulled down her shorts and underwear and had unprotected intercourse with her to which she did not consent.

Applicable Policies

- BL – Sexual Harassment Policy
- EG-R1-F1 – Student Discipline, Suspension, & Due Process

Jurisdiction

Allegation number 1 occurred during a school sponsored event (i.e., a soccer game at MHS) between students that are currently enrolled at JHS. The allegations, if true, would meet the definition of sexual harassment under JHS policy BL. Therefore, the district has jurisdiction based on the location of the alleged events, the fact that the parties are currently enrolled students at JHS, the fact that the allegations, if true, would violate district policy.

Scope of Investigation

Interviews (All interviews notes are at Exhibit 4)

- Complainant
- Respondent
- Sarah (Student Witness 1 or SW1)
- Leah (Student Witness 2 or SW2)
- Etc.

Evidence (All evidence is found at Exhibit 5)

- Text messages from complainant
- Security camera footage from MHS – (stored in investigator's office)

Summary of Facts

Investigator's Note: The information in the sections below is taken from the formal complaint, witness interviews or evidence cited above, which is all found in the exhibits to this report. All language in quotation marks are direct quotes from the specific interviewee. The quotations are provided exactly as said by the relevant interviewee, even if grammatically incorrect.

Allegation 1

On March 31, 2025, the complainant alleged that she was raped by the respondent in the female visitors' locker room at MHS on March 27, 2025. Specifically, she alleged that she had been sitting with friends, and next to the respondent (with whom she had been "talking"), in

Fictional scenario created by OSSBA Staff Attorney Brandon Carey on September 30, 2025, for Title IX investigation training purposes.

the visitors' stands during the varsity girls' soccer game when she realized she had forgotten her sweatshirt in the female visitors' locker room, which was behind the visitors' stands. She said that she went to the locker room, found the door unlocked, and entered the locker room to retrieve the shirt. She then alleged that, as she was retrieving the shirt, the door opened and the respondent entered, closed the door, quickly approached her and began kissing her. The complainant said that she "froze. She said the respondent then pulled down her shorts and underwear and had unprotected intercourse with her, to which she did not consent. She said she never said a word and was scared the entire time. During the April 1, 2025 formal interview, the complainant also said that, at some point during the incident, SW2 opened the locker room door, said "oh, boy" and immediately left. (Exhibits 1 & 4)

Also, during the April 1st interview, the complainant said that, after exiting the locker room, she saw SW1 near the concession stand and they went to a different section of the visitors' stands, where the complainant told SW1 about the incident. During an interview on April 4, 2025, SW1 confirmed this version of events and added that the complainant was in tears and told her that she "thought [the respondent] had just raped her," and that when SW1 asked what happened the complainant would only say "I didn't want it to happen." The complainant and SW1 both indicated that they stayed on the opposite end of the stands for the rest of the night, and the respondent, SW2 and other student witnesses indicated that the respondent did not return to sit in the area she was sitting before the incident. (Exhibit 4)

The respondent was first interviewed on April 2, 2025. He admitted to sitting in the stands with the complainant but also stated that they had been making "sexual, flirtatious comments" as they sat together (all witnesses indicated that they could not hear the conversation between the complainant and respondent). He also said that the complainant was wearing her sweatshirt while in the stands and did not say she needed to go retrieve her sweatshirt. The respondent further stated that the complainant eventually said that she was cold, stated that she should go to the locker room to warm up, and said she "wouldn't be mad" if he came to the locker room and "warmed up with" her. The respondent admitted to entering the locker room a few minutes after the complainant, closing the door and approaching her, but he said she kissed him first. He also indicated that he removed her shorts and underwear and had unprotected intercourse with her on the floor of the locker room. He said that the complainant did not verbally consent but that, to him, her behavior indicated consent because she did not object when he placed his hand under her shirt and because she rubbed his crotch over his jeans. He also said that the complainant did not remove any of his clothes. Finally, the respondent said he did hear someone enter the locker room and make a statement, but that he did not see the individual or make out what she said. (Exhibit 4)

SW2 was interviewed on April 4, 2025. She testified that she saw the complainant and the respondent in the stands holding hands and "acting very close and touchy," and that she thought the complainant was wearing her sweatshirt before heading to the locker room but was not 100% sure. She said that a few minutes after the complainant and respondent left the

stands, she realized she left her necklace in the visitors' locker room. She testified that she opened the door, stepped in, heard "moaning," and looked to her left, where she saw the respondent and complainant on the floor in a corner. SW2 said that the respondent was on top of the complainant, and it looked like they were "having sex," although it was hard to see because a couple of benches obstructed her view and the wall in that corner of the locker room went further back than the rest of the wall and created a nook. She said she immediately said something like "oh my gosh" or "oh boy" and exited the room. She also said that "from what [she] could tell," it did not look like the complainant was uncomfortable or resisting.

On April 1, 2025, the district received from MHS the surveillance camera footage from March 27, 2025, during the time of the soccer games, which recorded the area behind the visitors' stands, including the locker room door. The recording shows the complainant entering the locker room, while wearing a blue JHS Soccer shirt, on March 27, 2025 at 5:46 p.m., and with the respondent entering the door at 5:49 p.m. At 6:02 p.m., SW1 opened the door and entered the room, only to immediately back out and walk away. The respondent then exited and closed the door at 6:11 p.m. The complainant finally exited at 6:17 p.m. The complainant seems to have wiped her sleeve across her eyes and walked away with her head down.

The complainant was also interviewed on Friday, April 10, 2025. When presented with the information about the sweatshirt, she began to cry and admitted that she lied about it. She also admitted to inviting the respondent to the locker room, in the manner testified to by the respondent, and initiating the first kiss in the locker room. She said that she did not tell the truth about those specific elements because, if she did, she believed the investigator "would not believe she was raped." She said that, when she invited the respondent into the locker room, she had planned on engaging in "sexual stuff," although she was not sure she wanted to have sex, stating that she had never had sex before. She said when the respondent entered the locker room, she "got very nervous and scared" and kissed him first to "get over being scared." The complainant admitted that the respondent placed his hand under her shirt, and she did not object, but she vehemently denied rubbing his crotch over his jeans. She said that she "never once consented," neither verbally or physically, and the respondent never asked whether he had consent. She said the experience was painful and scary and that the respondent kissed her afterward, but she was "in a daze." The complainant was adamant that she did not want to have sex with the respondent at that moment.

In his April 10th follow-up interview of the respondent, he said that he believed he had consent because they had been flirting in a sexual manner and she made the first move in the locker room. He admitted that the complainant did not verbally consent, and that he removed his own clothes, but believed her actions showed consent. (Exhibit 4)

None of the other witnesses reporting having any knowledge about the incident in the locker room.

Finally, the Jackson Police Department notified JHS on April 16, 2025 that, based on a lack of evidence, they would not be pressing charges on the respondent.

Analysis & Conclusion

Standard of Evidence

District policy states that reports of sexual harassment or assault will be investigated according to the “preponderance of the evidence” standard. “Preponderance of the evidence” means that the evidence must indicate that the allegation was more probable than not to have occurred. In other words, greater than 50% of the evidence must support the allegation.

Allegation

Both parties admit that the complainant invited the respondent into the locker room and initiated kissing (although the complainant was initially untruthful about these specific elements). Both parties also agree that the respondent placed his hand under the complainant’s shirt, and that she did not object; that the respondent removed the complainant’s shorts and underwear, and she did not verbally consent or object; and that the complainant did not remove any of the respondent’s clothes. Both parties also admit that sexual intercourse occurred. However, the complainant denies that she rubbed the complainant’s crotch over his jeans, and she denies that the intercourse was consensual, as she says she did not consent, verbally or non-verbally, and did not want it to happen. The respondent says that he believed the complainant’s behavior indicated consent (e.g., not objecting to his hand under her shirt and rubbing his crotch over the clothes).

SW2, who witnessed the act for a short time, stated that she did not believe the complainant was uncomfortable or resisting, but she also testified to having trouble seeing the parties because of various obstructions. On the other hand, SW2 interacted with the complainant immediately afterward and testified that she was upset, thought she had been raped, and said she did not want the intercourse to happen. No other evidence was obtained to establish whether or not the intercourse was consented to.

Recommendations

Step 13: Outcome Letter

Letter must include:

- A list of the allegations
- Descriptions of the procedural steps taken
- Findings of fact supporting the determination
- Conclusions
- The rationale for the determination and disciplinary sanctions/remedies imposed
- Rights of Appeal

Date

CONFIDENTIAL

Dear Nathan,

Jackson Public Schools has completed the investigation of the alleged violations of the district's *Sexual Harassment of Students* policy, which were made on March 31, 2025. After reviewing the investigative report submitted to this office on April 30, 2025, I have determined that the evidence supports a finding that you violated the above-referenced policy (*or, that the evidence is insufficient to support a violation of the above-referenced policy*). The relevant facts, conclusions, and disciplinary decisions are outlined below. **FOR THE COMPLAINANT, YOU WILL NOT PROVIDE DISCIPLINARY DECISIONS BUT RATHER ANY REMEDIES THAT AFFECT HER/HIM.**

Allegations

- Allegation 1:
- Allegation 2:

Applicable Policies

- Policy _____ – Nondiscrimination
- Policy _____ – Sexual Harassment of Students
- Regulation _____ – Grievance Procedures
- Policy _____ - Student Code of Conduct

Procedural Steps

YOU MAY OUTLINE THE PROCEDURAL STEPS, AS DONE BELOW, OR SIMPLY ATTACH AND REFER TO THE COMPLETED INVESTIGATION TIMELINE

On March 31, 2025, the complainant filed a formal complaint making the above-listed allegations. After making a determination that the district had jurisdiction to investigate the complaint, the district Title IX Coordinator then referred the allegations to _____ ("the investigator"). The investigator immediately provided both parties notice of the investigation and the need to schedule interviews. During the investigation, the investigator did the following:

- Conducted interviews of the respondent, the complainant, and the witnesses listed in the investigation report;
- Gathered several pieces of evidence, which are listed in the investigation report;
- Provided both parties a copy of all evidence on _____, 2025, and provided ten (10) days to provide responses to the evidence;
- Submitted the final investigation report to both parties on _____, 2025, which was at least ten (10) days before this decision was made.

Fictional scenario created by OSSBA Staff Attorney Brandon Carey on September 30, 2025, for Title IX investigation training purposes.

Also, after receiving the investigation report, I sent emails to both parties on _____, 2025, which provided each of you an opportunity to ask any final questions of the other party and receive responses.

Findings of Fact

INSERT THE FACTS DETERMINED BY THE INVESTIGATOR AND/OR DECISION-MAKER. DESCRIBE THE RELEVANT FACTS OF EACH ALLEGATION, SEPARATELY. DO NOT JUST REGURGITATE ALL INFORMATION OBTAINED, BUT ONLY THE FACTS THAT ARE RELEVANT TO THE FINAL DECISION.

Analysis & Conclusions

EXPLAIN WHY OR WHY NOT THE DISTRICT BELIEVES THE ALLEGATIONS OCCURRED, USING YOUR STANDARD OF REVIEW (EITHER PREPONDERANCE OF THE EVIDENCE OR CLEAR AND CONVINCING EVIDENCE) AND THE DISCIPLINARY SANCTIONS FOR THE VIOLATIONS (CITING TO THE CODE OF CONDUCT). IF MORE THAN ONE ALLEGATION, EXPLAIN EACH ON SEPARATELY.

Right to Appeal

Within ten (10) days of a determination of responsibility, dismissal of a complaint or any allegations therein either party may appeal for one of the following reasons:

1. A procedural error affected the outcome.
2. New evidence that was not reasonably available at the time of the determination and could affect the outcome;
3. Conflicts of interest on the part of the Title IX coordinator, investigator or decision maker that affected the outcome.

The appeal must be submitted in writing to _____, and must be received within ten (10) days of the date of this determination. If an appeal is made, the school district will provide written notice to both parties of the appeal. Both parties will be provided an equal opportunity to submit a written statement in support of or challenging the determination within ten (10) days of the written notice to both parties of the appeal being filed. The appeal will be heard by an appeal decision maker who is not the Title IX coordinator, the investigator or the original decisionmaker. The decision of the appeal decisionmaker will be final and non-appealable. The written decision of the appeal decisionmaker will be provided within ten (10) days of the deadline for written statements supporting or challenging the initial determination. The written decision will be provided

Step 14: Appeal

An opportunity for appeal must be provided to either party on, at least, the following bases:

- A procedural irregularity
- New evidence that was not reasonably available prior to the determination that could affect the outcome
- Conflict of interest