

# Notice of Investigation

Title IX requires that both parties receive timely notification of the initiation of an investigation. This means that once the institution decides to investigate, both the reporting party and the respondent need to simultaneously receive a letter notifying them of the institution's intent to investigate. Simultaneous in this context can mean two emails sent back to back.

Because that initial notice is sometimes the only contact you may have with a student, the letter should also include information about the process, rights and options, as well as confidential and counseling services on campus. For reporting parties, institutions can link to their SB 759 document (in the legislation portion of this toolkit), while creating an equitable alternative for responding parties.

If the reporting party is reluctant to the investigation, and is not participating in the investigation, an effort should be made to inform that person that the school will most likely move forward with an investigation and that part of that process is notification being sent to the respondent. If there is a concern that the respondent (or third parties) may retaliate due to the knowledge that someone reported or that an investigation will be done, the institution should take steps to ensure the victim's safety before issuing notice. This can include a no-contact order being issued to the respondent along with notice, temporary housing for the reporting party, or other safety measures available to the students on campus.

While ensuring equitable notice is a mandate of Title IX, student safety and mitigating retaliation and future harm are an institution's first concern. Both can be accomplished by sitting down and safety planning with the reporting party to come up with a plan that meets their needs best.

## PROFESSIONAL TIP:

- Did the student make a request for confidentiality? Do they want the institution to investigate?
- Does the institution have an obligation to investigate against student wishes due to student or larger campus safety concern?
- Have we met with the victim to inform them that an investigation may move forward as well as identifying reasons for decision? Do they know that Title IX requires the institution to notify the respondent of the investigation?
- Have we safety planned with the student to ensure that no future harm or retaliation will result from the notice?
- Does our notice letter to both the complainant and respondent include a clause stating that the retaliation is prohibited?