

# TEXAS

# FILE X

## Administrator Conference

## INVESTIGATOR REPORT WRITING, ANALYSIS, AND DECISION-MAKING

Holly Boyd Wardell



EICHELBAUM WARDELL  
HANSEN POWELL & MUÑOZ, P.C.

October 19, 2021

## TYPES OF INVESTIGATIVE REPORTS

1. Sexual harassment (2020 content requirements)
2. Other types of sex discrimination
3. Athletics

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## **The 2020 regulations pertaining to sexual harassment complaints...**

seek to create a separation between the investigation and decision-making of formal complaints (sexual harassment).

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## **While it is best to separate roles...**

- **The Title IX Coordinator can also be the investigator and the informal resolution facilitator.**
- **The Title IX Coordinator cannot also serve as the decision-maker on a formal complaint or on appeal.**
- **All roles can be outsourced, except the Title IX Coordinator (e.g., investigator, decision-maker, informal resolution facilitator, appellate decision maker).**

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**Remember that anyone serving as a Title IX Coordinator, investigator, decision-maker, or any person designated to facilitate an information resolution process must not have a **conflict of interest** or **bias** for or against **complainants** or **respondents generally** or an **individual** complainant or respondent.**

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## **SCENARIO:**

Keeley and Jamie used to date. Jamie has “nudes” of Keeley. After they break up, Jamie sends the pics to other students who show them around school. Keeley’s new boyfriend, Roy, finds out about this and “avenges” Keeley’s honor by punching Jamie in the nose at school.

- Both Jamie and Roy play on the soccer team.
- Keeley’s parents decide to file a Formal Complaint against Jamie.

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# INVESTIGATIVE REPORT

- Prepare an investigative report that summarizes relevant evidence.
- The report may include proposed findings of fact.



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# INVESTIGATIVE REPORT

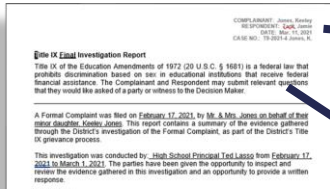
**Prior to completion of the investigative report**, the investigator must **send an electronic or hard copy of the relevant evidence** gathered to the parties and the parties' advisors, if any. The parties must be provided **at least 10 calendar days** to submit a written response that the investigator must consider before completing the investigative report. The evidence may be provided using a platform that prevents downloading and copying to protect the confidentiality of information about students or victims of sexual offenses.



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# INVESTIGATIVE REPORT



COMPLAINANT: Jones, Keeley  
RESPONDENT: Tartt, Jamie  
DATE: Mar. 11, 2021  
CASE NO.: T9-2021-4 Jones, K.

## Title IX Final Investigation Report

Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) is a federal law that prohibits discrimination based on sex in educational institutions that receive federal financial assistance. The Complainant and Respondent may submit relevant questions that they would like asked of a party or witness to the Decision Maker.

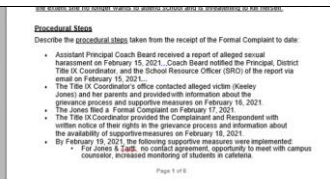


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# INVESTIGATIVE REPORT

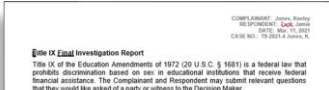


A Formal Complaint was filed on February 17, 2021, by Mr. & Mrs. Jones on behalf of their minor daughter, Keeley Jones. This report contains a summary of the evidence gathered through the District's investigation of the Formal Complaint, as part of the District's Title IX grievance process.



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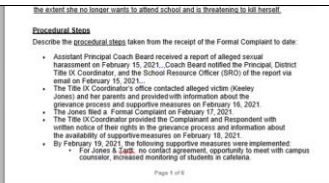
# INVESTIGATIVE REPORT



## Title IX Equal Investigation Report

Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) is a federal law that prohibits discrimination based on sex in educational institutions that receive federal financial assistance. The Complainant and Respondent may submit relevant questions that they would like asked of a staff member to the Decision Maker.

This investigation was conducted by: High School Principal Ted Lasso from February 17, 2021 to March 1, 2021. The parties have been given the opportunity to inspect and review the evidence gathered in this investigation and an opportunity to provide a written response.



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# INVESTIGATIVE REPORT



## Allegations

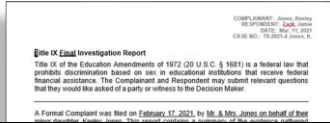
Identify the allegations potentially constituting sexual harassment: \_

Keeley Jones (Student) alleges that Jamie Tarrt (Student) electronically distributed to classmates at school nude pictures of Keeley that Jamie obtained while they were in a relationship. Mr. & Mrs. Jones claim that other students are bullying and making fun of Keeley at school and on social media, causing her to be humiliated and embarrassed to the extent she no longer wants to attend school and is threatening to kill herself.



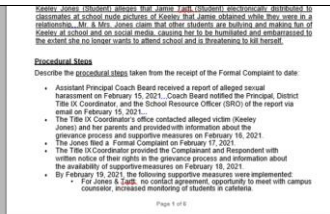
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# INVESTIGATIVE REPORT



## Procedural Steps

Describe the procedural steps taken from the receipt of the Formal Complaint to date:



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# INVESTIGATIVE REPORT

- Assistant Principal Coach Beard received a report of alleged sexual harassment on February 15, 2021. Coach Beard notified the Principal, District Title IX Coordinator, and the School Resource Officer (SRO) of the report via email on February 15, 2021.
- The Title IX Coordinator's office contacted alleged victim (Keeley Jones) and her parents and provided with information about the grievance process and supportive measures on February 16, 2021.
- The Jones filed a Formal Complaint on February 17, 2021.
- The Title IX Coordinator provided the Complainant and Respondent with written notice of their rights in the grievance process and information about the availability of supportive measures on February 18, 2021.



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# INVESTIGATIVE REPORT

- By February 19, 2021, the following supportive measures were implemented:
  - For Jones & Tartt: no contact agreement, opportunity to meet with campus counselor, increased monitoring of students in cafeteria.
  - For Jones: one-week extension to take Algebra II test scheduled for February 15, 2021; one-week extension to turn in history project; campus escort to and from lunch; opportunity to eat lunch in front office
  - For Tartt: schedule change to different Algebra II class



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# INVESTIGATIVE REPORT

- On February 18, 2021, the Title IX Coordinator appointed the undersigned (Lasso) to investigate the Formal Complaint. I was trained to conduct Title IX sexual harassment investigations in accordance with the May 2020 federal regulations at the Texas Title IX Administrators Conference, October 19-20, 2021.
- This Investigator/I reviewed the Formal Complaint and relevant district policy and student code of conduct provisions beginning February 18, 2021.



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- The State of Texas mandates that threat assessments must be conducted when students display “harmful, threatening, or violent behavior” which includes threats of self-harm, bullying, cyberbullying, fighting, the use or possession of a weapon, sexual assault, sexual harassment, dating violence, stalking, or assault, by a student. On February 18, 2021, Campus administration (Lasso, Beard) and the Title IX Coordinator (Welton) requested that the campus Threat Assessment Team determine whether Respondent Tartt should be removed from school on an emergency basis. On February 19, 2021, the Threat Assessment Team undertook an individualized safety and risk analysis to determine whether an immediate threat to the physical health and safety of Complainant Jones or others, arising from the alleged sexual harassment, justified removal. The Threat Assessment Team’s determined that Tartt’s presence on campus did not pose a threat to the physical health or safety of Jones or others. Tartt remained on campus with the supportive measures cited above. The Threat Assessment also reviewed Complainant’s parents’ comments about suicidal ideation and provided Complainant and her parents with information about community and school resources. A plan was developed for Complainant to have access to a school counselor.



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## INVESTIGATIVE REPORT

- I sent both Complainant and Respondent a letter including written notice of interviews and rights under the Title IX investigation process on February 19, 2021.
- I interviewed the Complainant on February 22, 2021. She was accompanied by her parents.
- I interviewed witnesses provided by Complainant on February 22, 2021 – February 24, 2021. I gave the witnesses an opportunity to provide written statements. For students who declined to provide a written statement, I took notes of their verbal statements. I interviewed all witnesses separately. Dr. Sharon Fieldstone observed the interviews and assisted me in the development of my investigation notes.



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# INVESTIGATIVE REPORT

- I interviewed the Respondent on February 23, 2021. He was accompanied by his mother and an attorney/advisor, Dewey Cheatham.
- I interviewed witnesses identified by the Respondent on February 23-25, 2021.
- I gave the parties the opportunity to submit evidence. Complainant submitted text messages, which I reviewed.
- I then completed secondary interviews with the Complainant, witnesses, additional witnesses, and the Respondent.



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# INVESTIGATIVE REPORT

- The parties were given the opportunity to inspect and review evidence and submit a written response. Specifically, on March 1, 2021, I emailed a secure, password protected and link for the parties to access electronic copies of all evidence collected in this investigation (except the photos). The parties agreed that additional access to the photos was not necessary. All evidence was provided in an electronic format that prevented alteration, editing, and copying.
- On March 5, 2021, the Respondent submitted written responses that were considered by the Investigator. The Complainant did not submit a response.



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# INVESTIGATIVE REPORT

## SUMMARY OF EVIDENCE:

### Factual information about the parties

On February 14, 2021, Assistant Principal Coach Beard broke-up a fight in the cafeteria between two students: Jamie Tarrt and Roy Kent. When investigating the cause of the fight, Coach Beard learned that Roy was avenging the honor of his girlfriend, Keeley Jones, who had previously been in a dating relationship with Jamie Tarrt. Jones and Tarrt are both 15 year old sophomores; they were a couple in a dating relationship during their freshman year of high school. Until February 18, 2021, they were in the same class for Algebra II (5<sup>th</sup> period). Kent is a senior. Tarrt and Kent are both members of the men's soccer team.



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# INVESTIGATIVE REPORT

## Relevant sections of board policy and the student of code of conduct

Richmond ISD Board Policy FFH(LOCAL) prohibits discrimination, including harassment, against any student on the basis of race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law. The District further prohibits dating violence. Retaliation against anyone involved in the complaint process is also a violation of District policy and is prohibited. Discrimination, harassment, dating violence, and retaliation as defined in policy are considered "prohibited conduct," even if the behavior does not rise to the level of unlawful conduct. Prohibited conduct also includes sexual harassment as defined by Title IX.



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# INVESTIGATIVE REPORT

Prohibited sexual harassment means conduct on the basis of sex that satisfies one or more of the following: 1) a school employee conditioning an educational benefit or service upon a student's participation in sexual conduct (often called "quid pro quo" harassment); 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 the District's education programs or activities; or 3) Sexual assault, dating violence, domestic violence, or stalking.

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# INVESTIGATIVE REPORT

Additionally, dating violence, prohibited by state law and Board policy, includes behavior when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other person in the relationship... Tex. Family Code §71.0021...

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# INVESTIGATIVE REPORT

Under the Richmond ISD 2020-2021 Student Code of Conduct:

- **Sexual harassment** is a Group III Behavior.
- **Sexual harassment** that involves physical conduct is a Group IV Behavior.
- **Dating violence** is a Group IV Behavior....



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# INVESTIGATIVE REPORT

The range of consequences for **Group III** behaviors include: parent/administrator/teacher/SEL support staff/student conference; restorative practices; peer mediation; loss of privilege to have any telecommunication device on campus; suspension; emergency removal from school; referral to law enforcement agencies; and/or any other corrective action deemed appropriate by campus administration and approved by the Office of Student Services.

The range of consequences for **Group IV** behaviors include: parent/administrator/teacher/SEL support staff/student conference; restorative practices; campus reassignment; assignment to DAEP; expulsion; and/or any other corrective action deemed appropriate by campus administration and approved by the Office of Student Services.



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# INVESTIGATIVE REPORT

To the extent that federal law, including Title IX federal regulations pertaining to sexual harassment investigations, conflicts with the RISD policy or its SCOC, federal law supersedes.



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# INVESTIGATIVE REPORT

## **Whether a CPS report was necessary**

The allegations as presented did not indicate child abuse or neglect as defined by the Texas Family Code. The investigation did not yield facts indicating suspected child abuse or neglect.



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# INVESTIGATIVE REPORT

## Whether there is a related criminal/juvenile investigation

The campus SRO was notified of the allegations; local law enforcement will determine whether there has been a penal code violation. Law enforcement did not request that the school district delay or abate its investigation in this situation. Law enforcement did not suggest a forensic interview.

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# INVESTIGATIVE REPORT

## Evidence collected or provided by witnesses, including physical evidence

- Formal Complaint Form completed by Complainant's Parents
- Notice of Rights Letters to Complainant and Respondent
- Complainant's Statement Form
- Student discipline file for Respondent Tarrt
- During Complainant's interview, she identified 4 students who reportedly received electronic messages with copies of nude photographs of her: Student A, B, C, and D.
- Witness Statement Forms from A, B, C.
- Transcription of Statement from Witness D.
- Respondent's Statement Form
- During Respondent's interview, he identified 2 students who reported that Complainant allowed Students E and F to have access to her phone to view the nude photographs.
- Witness Statements Forms from E and F.
- Statement from AP Coach Beard regarding initial report
- Interview Notes of All Witnesses
- Photographs of Complainant\*
- Board Policy FFH
- RISD Student Code of Conduct
- Athletic Code of Conduct and Respondent's Signature for same

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# INVESTIGATIVE REPORT

\*Photographs in this case were viewed by the undersigned but not maintained as part of the investigative file. The lewd nature of the photographs is not in dispute and maintaining a copy is not necessary for a determination in this matter.

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# INVESTIGATIVE REPORT

## **Consideration of written responses to evidence.**

After reviewing the evidence, Respondent Tartt submitted an additional statement to the effect that: 1) Complainant Jones voluntarily took and sent the pictures to him; 2) no school devices or technology were involved; 3) Complainant sent the pictures to him outside of the school setting and at night when they were in a relationship; 4) at no time did Complainant ask Respondent not to show the pictures to others; and 5) he did not show the pictures to other students at school.

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# INVESTIGATIVE REPORT

This is the final investigative report in this matter. The Decision Maker will allow the parties to submit relevant questions for the other party(ies) or witnesses before making a determination of responsibility for sexual harassment.

*Ted Lasso*

March 11, 2021

Title IX Investigator

Date

cc: Title IX Coordinator – Ms. Rebecca Welton  
Title IX Decision Maker – Mr. Leslie Higgins



## DETERMINATION OF RESPONSIBILITY

1. Identification of the **allegations** that constitute sexual harassment;
2. Description of the **procedural steps** taken since the receipt of the Formal Complaint through the Decision, including notifications, interviews with the parties and witnesses, site visits, methods used to gather other evidence;
3. **Findings of Fact**
4. **Conclusions** regarding the application of the District's Code of Conduct to the facts;



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# DETERMINATION OF RESPONSIBILITY

5. A statement of and the **rationale** for the results of **each allegation**, including a **determination of responsibility**;
6. Any **disciplinary sanctions** imposed on the Respondent;
7. A statement **whether remedies** to the Complainant have been designed to **restore** or **preserve equal access** to the District's education program or activity; and
8. Information about the ability of the parties to **appeal** the decision.



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# DETERMINATION OF RESPONSIBILITY

- Note the burden of proof standard (e.g., preponderance, clear and convincing)
- Note the evidence relied upon and not relied upon
- Summarize and assess credibility



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# DETERMINATION OF RESPONSIBILITY

- Describe how your finding meets the standard of proof (e.g., POE)
- If more than one allegation, make a separate finding for each allegation.



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# DETERMINATION OF RESPONSIBILITY

- Describe how your finding meets the standard of proof (e.g., POE)
- Identify any specific sanctions imposed and explain the basis for choosing those (e.g., precedent, history, cumulative violations, pattern of behavior, aggravating or mitigating factors, Complainant's request, etc.)



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# DETERMINATION OF RESPONSIBILITY

- Write in active voice (e.g., I determined that...) rather than passive voice (e.g., It was determined that...)
- Write in the past tense
- If there is more than one Respondent, write a separate decision for each Respondent.



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# DETERMINATION OF RESPONSIBILITY

**Title IX Determination of Responsibility – Sexual Harassment Decision**  
Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) is a federal law that prohibits discrimination based on the sex in educational institutions that receive federal financial assistance. This decision must be issued simultaneously to the Complainant and Respondent.

**CASE INFORMATION (Please Print)**  
Case Number: 19-2021-4 Jones K \_\_\_\_\_

## **Title IX Determination of Responsibility – Sexual Harassment Decision**

Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) is a federal law that prohibits discrimination based on the sex in educational institutions that receive federal financial assistance. This decision must be issued simultaneously to the Complainant and Respondent.

**Specific Allegations**  
Identify the allegations potentially constituting sexual harassment.

Keesley Jones (Student) alleges that James Tami (Student) electronically distributed to classmates at school nude pictures of Keesley that James obtained while they were in a relationship. Mr. & Mrs. Jones claim that other students are bullying and making fun of Keesley at school and on social media, causing her to be humiliated and embarrassed to the extent she no longer wants to attend school and is threatening to kill herself.

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2021



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# DETERMINATION OF RESPONSIBILITY

**Title IX Determination of Responsibility – Sexual Harassment Decision**  
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**CASE INFORMATION (Please Print):**

Case Number: T9-2021-4 Jones, K.

Complainant: Keeley Jones

Campus: Richmond High School

**CASE INFORMATION (Please Print):**

Case Number: T9-2021-4 Jones, K.

Complainant: Keeley Jones

Campus: Richmond High School

Respondent: Jamie Tartt

Campus: Richmond High School

**Allegation(s) in school nurse records of Keeley that Jamie obtained while they were in a relationship. Mr. & Mrs. Jones claim that other students are bullying and making fun of Keeley at school and on social media, causing her to be humiliated and embarrassed to the extent she no longer wants to attend school and is threatening to kill herself.**

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# DETERMINATION OF RESPONSIBILITY

**Title IX Determination of Responsibility – Sexual Harassment Decision**  
 Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) is a federal law that prohibits discrimination based on the sex in educational institutions that receive federal financial assistance. This decision must be issued simultaneously to the Complainant and Respondent.

**CASE INFORMATION (Please Print):**

Case Number: T9-2021-4 Jones, K.

**Type of Complaint:**

Discrimination based on: (Check all that apply)

- Sexual Harassment     Sexual Assault     Gender Based Harassment     Dating Violence     Stalking     Retaliation     Other

**Specific Allegations**

Identify the allegations potentially constituting sexual harassment.

**Keeley Jones (Student) alleges that Jamie Tartt (Student) electronically distributed to classmates at school nude pictures of Keeley that Jamie obtained while they were in a relationship. Mr. & Mrs. Jones claim that other students are bullying and making fun of Keeley at school and on social media, causing her to be humiliated and embarrassed to the extent she no longer wants to attend school and is threatening to kill herself.**

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# DETERMINATION OF RESPONSIBILITY

**Title IX Determination of Responsibility – Sexual Harassment Decision**  
Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) is a federal law that prohibits discrimination based on the sex in educational institutions that receive federal financial assistance. This decision must be issued simultaneously to the Complainant and Respondent.

**CASE INFORMATION (Please Print):**

Case Number: 78-2021-A Jones K

## Nature of Allegations:

- A school employee conditioning an educational benefit or service upon a student's participation in sexual conduct
- 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 programs or activities
- Sexual assault, dating violence, domestic violence, or stalking (as those offenses are defined in the Clery Act, 20 U.S.C. § 1092(f), and the Violence Against Women Act, 34 U.S.C. § 12291(a))

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# DETERMINATION OF RESPONSIBILITY

**Title IX Determination of Responsibility – Sexual Harassment Decision**  
Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) is a federal law that prohibits discrimination based on the sex in educational institutions that receive federal financial assistance. This decision must be issued simultaneously to the Complainant and Respondent.

**CASE INFORMATION (Please Print):**

## Specific Allegations

Identify the allegations potentially constituting sexual harassment: \_\_\_\_\_

Keeley Jones (Student) alleges that Jamie Tartt (Student) electronically distributed to classmates at school nude pictures of Keeley that Jamie obtained while they were in a relationship. Mr. & Mrs. Jones claim that other students are bullying and making fun of Keeley at school and on social media, causing her to be humiliated and embarrassed to the extent she no longer wants to attend school and is threatening to kill herself.

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# DETERMINATION OF RESPONSIBILITY

## Procedural Steps

Describe the procedural steps taken from the receipt of the Formal Complaint to date:

- Assistant Principal Coach Beard received a report of alleged sexual harassment on February 15, 2021...Coach Beard notified the Principal, District Title IX Coordinator, and the School Resource Officer (SRO) of the report via email on February 15, 2021...
- The Title IX Coordinator's office contacted alleged victim (Keeley Jones) and her parents and provided with information about the grievance process and supportive measures on February 16, 2021.
- The Jones filed a Formal Complaint on February 17, 2021.
- The Title IX Coordinator provided the Complainant and Respondent with written notice of their rights in the grievance process and information about the availability of supportive measures on February 18, 2021.
- By February 19, 2021, the following supportive measures were implemented:
  - For Jones & Tartt: no contact agreement, opportunity to meet with campus counselor, increased monitoring of students in cafeteria
  - For Jones: one-week extension to take Algebra II test scheduled for February 15, 2021; one-week extension to turn in history project; campus escort to and from lunch; opportunity to eat lunch in front office
  - For Tartt: schedule change to different Algebra II class
- On February 18, 2021, the Title IX Coordinator appointed the undersigned (Lasso) to investigate the Formal Complaint...The investigator was trained to conduct Title IX sexual harassment investigations in accordance with the May 2020 federal regulations at the Texas Title IX Administrators Conference, October 19-20, 2021.
- This investigator reviewed the Formal Complaint and relevant district policy and student code of conduct provisions beginning February 18, 2021.
- The State of Texas mandates that threat assessments must be conducted when students display "harmful, threatening, or violent behavior" which includes threats of self-harm, bullying, cyberbullying, fighting, the use or possession of a weapon, sexual assault, sexual harassment, dating violence, stalking, or assault, by a student. On February 18, 2021, Campus administration (Lasso, Beard) and the Title IX Coordinator (Welton) requested that the campus Threat Assessment Team determine whether Respondent Tartt should be removed from school on an emergency basis...On February 19, 2021, the Threat Assessment Team undertook an individualized safety and risk analysis to determine whether an immediate threat to the physical health and safety of Complainant Jones or others, arising from the alleged sexual harassment, justified removal...The Threat Assessment Team's determined that Tartt's presence on campus did not pose a threat to the physical health or safety of Jones or others...Tartt remained on campus with the supportive measures cited above...The Threat Assessment also reviewed Complainant's parents' comments about suicidal ideation and provided Complainant and her parents with information about community and school resources...A plan was developed for Complainant to have access to a school counselor.
- The investigator sent both Complainant and Respondent a letter including written notice of interviews and rights under the Title IX investigation process on February 19, 2021.

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# DETERMINATION OF RESPONSIBILITY

## Findings of Fact

- Complainant is Keeley Jones is a 15 year old sophomore at RHS.
- Respondent is Jamie Tartt is a 15 year old sophomore at RHS.
- Complainant and Respondent were in a dating relationship during their freshman year of high school, 2019-2020... They are no longer dating.
- During their relationship, Complainant took photos of herself in a state of undress using her personal cell phone and while in her home... In her interview, Complainant stated that Respondent asked for "nudes," which she understood to mean nude photos of herself...

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## DETERMINATION OF RESPONSIBILITY

### Findings of Fact

- In Respondent's interview, he admitted to asking for and receiving "nudes" of Complainant during the 2019-2020 school year. He received them on his cell phone through a text message. He saved the photos to his cell phone. Respondent provided a supplemental statement in which he stated that: Complainant voluntarily took and provided him the photos; no school devices or technology were used in the transmission of the photos; Complainant sent the photos outside of the school setting and at night when they were in a relationship; at no time did Complainant ask Respondent to not show the photos to others; and that he did not show the pictures to other students at school.

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## DETERMINATION OF RESPONSIBILITY

### Findings of Fact

- Complainant claimed that, after Complainant and Respondent were no longer in a dating relationship, Respondent showed the "nudes" to fellow schoolmates, Students C and D. Complainant was told by Students A and B that Students C and D claimed to have seen the photos.

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# DETERMINATION OF RESPONSIBILITY

## Findings of Fact

- Students C and D denied having seen or possessed the photos. Student C provided a written statement denying being shown the photos. Student D declined to write a statement. The investigator interviewed Student D and made notes of the interview.
- Respondent claims that Complainant showed Students E and F the photographs from her own cell phone. Complainant denies this. Students E and F also deny seeing any photographs.



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# DETERMINATION OF RESPONSIBILITY

## Findings of Fact

- Neither Complainant nor Respondent identified an adult/employee witness to these events. However, the investigator obtained a statement from English Teacher, Trent Crimm, who overheard students talking about seeing pictures of Complainant.
- Complainant claims that she did not share the photos or show the photos with anyone other than Respondent and that others must have seen them because details of the photos have been the subject of comments made on social media. Those details included descriptions of Complainant's physique, what Complainant was doing in the photographs, and a specific object Complainant had in her hand. Complainant provided copies of two social media posts that contained these details.



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# DETERMINATION OF RESPONSIBILITY

## **Findings of Fact**

- Complainant provided copies of text messages between Complainant and Respondent in which he apologized for “hurting her” and stated that he has “deleted the pics.” This text message exchange occurred after Complainant heard from Students C and D that other students had seen the photos.
- Complainant provided a letter from a private counselor stating the effects this situation has had on Complainant, which include an inability to sleep, loss of appetite, inability to focus and complete schoolwork, and comments about self-harm.

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# DETERMINATION OF RESPONSIBILITY

## **Conclusion regarding the Code of Conduct and Rationale**

Based on a preponderance of the evidence, it is determined that:

### I. Allegation:

Keeley Jones (Student) alleges that Jamie Tartt (Student) electronically distributed to classmates at school nude pictures of Keeley that Jamie obtained while they were in a relationship. Mr. & Mrs. Jones claim that other students are bullying and making fun of Keeley at school and on social media, causing her to be humiliated and embarrassed to the extent she no longer wants to attend school and is threatening to kill herself.

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# DETERMINATION OF RESPONSIBILITY

## Conclusion regarding the Code of Conduct and Rationale

Based on a preponderance of the evidence, it is determined that:

- a. I have determined that it is more likely than not that the Respondent engaged in sexual harassment and dating violence under the district's FFH policy and student code of conduct.
- b. Rationale for determination: It is undisputed that Complainant provided nude electronic images of herself to Respondent while they were in a dating relationship. Other students had knowledge of specific details about the photos that they would not have, if they had not seen them, as evidenced by the social media posts provided by Complainant. Complainant has been



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# DETERMINATION OF RESPONSIBILITY

- Complainant has been consistent in her version of events.
- Respondent's version of events has evolved or differed slightly. When interviewed Respondent denied having shown the photos or sent the photos to anyone. However, in his post-evidence review statement, Respondent stated that he did not show the pictures to other students at school. I infer from this subsequent statement that he did show the pictures to students away from school.
- The timing of this matter also corresponds to Complainant's new relationship with another student on campus.
- I have determined that Respondent showed the photographs in retaliation for Complainant entering a new relationship and that Respondent was jealous of Complainant's new relationship.



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## DETERMINATION OF RESPONSIBILITY

- This matter has had an effect at school by affecting Complainant's ability and desire to participate in school programming, causing disruption by students gossiping about this matter as overhead by at least one teacher, and resulting in this investigation.
- Respondent's action of sharing nude photos of Complainant with other students in an attempt to embarrass her was unwelcome conduct that was so severe, pervasive, and objectively offensive that it effectively denied equal access to the District's education programs or activities.
- I also find that, because Complainant and Respondent had been in a past dating relationship, Respondent's actions constitute emotional abuse to intimidate or control Complainant by subjecting her to ridicule and making her uncomfortable at RHS.

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## DETERMINATION OF RESPONSIBILITY

### **Remedies Provided**

#### **Disciplinary Sanctions**

Due to the severity of the impact Respondent's actions have had on Complainant, the following disciplinary sanctions are to be imposed upon the Respondent:

- Respondent will be suspended from the soccer team for the remainder of the 2020-21 school year.....
- A recommendation will be made that Respondent be placed in DAEP for 30 school days.

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**Supportive Measures to Complainant: (Select only those that apply and provide details. Delete the options below that will not be implemented.)**

- Counseling of students regarding appropriate behavior expectations
- Review of district and code of conduct expectations with students by administrator
- Change of class schedule/lunch schedule/locker location
- Campus/class escort
- Increased school monitoring of [location] for [time period e.g., next 9 weeks]
- School counseling
- Stay away agreement/No contact directives
- Limitation on extracurricular activities
- Training

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**Supportive Measures to Respondent: (Select only those that apply and provide details. Delete the options below that will not be implemented.)**

- Counseling of students regarding appropriate behavior expectations
- Review of district and code of conduct expectations with students by administrator
- Change of class schedule/lunch schedule/locker location
- Campus/class escort
- Increased school monitoring of [location] for [time period e.g., next 9 weeks]
- School counseling
- Stay away agreement/No contact directives
- Limitation on extracurricular activities: removal from soccer team for remainder of 20-21 SYr
- Training
- Change of work schedule/reassignment
- Other: DAEP – 30 days

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# DETERMINATION OF RESPONSIBILITY

The remedies and measures listed above are designed to restore or preserve equal access to the district's educational programs.

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# DETERMINATION OF RESPONSIBILITY

## Appeal

Either party may appeal this determination of responsibility on a form provided by the District **within 10 calendar days** of issuance of this decision. The only allowable bases for appeal are:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time of the decision that could affect the outcome; and
3. The Title IX Coordinator, Investigator(s), or Decision Maker has a conflict of interest or bias for or against Complainants or Respondents.

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# DETERMINATION OF RESPONSIBILITY

Name

Title IX Decision Maker

Date

cc: Title IX Coordinator

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*The information in this handout was prepared by Eichelbaum Wardell Hansen Powell & Muñoz, P.C. It is intended to be used for general information only and is not to be considered specific legal advice. If special legal advice is sought, consult an attorney.*



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## **Title IX Final Investigation Report**

Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) is a federal law that prohibits discrimination based on sex in educational institutions that receive federal financial assistance. The Complainant and Respondent may submit relevant questions that they would like asked of a party or witness to the Decision Maker.

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A Formal Complaint was filed on February 17, 2021, by Mr. & Mrs. Jones on behalf of their minor daughter, Keeley Jones. This report contains a summary of the evidence gathered through the District's investigation of the Formal Complaint, as part of the District's Title IX grievance process.

This investigation was conducted by: High School Principal Ted Lasso from February 17, 2021 to March 1, 2021. The parties have been given the opportunity to inspect and review the evidence gathered in this investigation and an opportunity to provide a written response.

### **Allegations**

Identify the allegations potentially constituting sexual harassment:\_\_\_\_\_

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Keeley Jones (Student) alleges that Jamie Tartt (Student) electronically distributed to classmates at school nude pictures of Keeley that Jamie obtained while they were in a relationship. Mr. & Mrs. Jones claim that other students are bullying and making fun of Keeley at school and on social media, causing her to be humiliated and embarrassed to the extent she no longer wants to attend school and is threatening to kill herself.

### **Procedural Steps**

Describe the procedural steps taken from the receipt of the Formal Complaint to date:

- ... Assistant Principal Coach Beard received a report of alleged sexual harassment on February 15, 2021. Coach Beard notified the Principal, District Title IX Coordinator, and the School Resource Officer (SRO) of the report via email on February 15, 2021.
- ... The Title IX Coordinator's office contacted alleged victim (Keeley Jones) and her parents and provided with information about the grievance process and supportive measures on February 16, 2021.
- ... The Jones filed a Formal Complaint on February 17, 2021.
- ... The Title IX Coordinator provided the Complainant and Respondent with written notice of their rights in the grievance process and information about the availability of supportive measures on February 18, 2021.
- ... By February 19, 2021, the following supportive measures were implemented:
  - For Jones & Tartt: no contact agreement, opportunity to meet with campus counselor, increased monitoring of students in cafeteria.



- For Jones: one-week extension to take Algebra II test scheduled for February 15, 2021; one-week extension to turn in history project; campus escort to and from lunch; opportunity to eat lunch in front office
  - For Tartt: schedule change to different Algebra II class
- ... On February 18, 2021, the Title IX Coordinator appointed the undersigned (Lasso) to investigate the Formal Complaint. I was trained to conduct Title IX sexual harassment investigations in accordance with the May 2020 federal regulations at the Texas Title IX Administrators Conference, October 19-20, 2021.
- ... This Investigator/I reviewed the Formal Complaint and relevant district policy and student code of conduct provisions beginning February 18, 2021.
- ... The State of Texas mandates that threat assessments must be conducted when students display “harmful, threatening, or violent behavior” which includes threats of self-harm, bullying, cyberbullying, fighting, the use or possession of a weapon, sexual assault, sexual harassment, dating violence, stalking, or assault, by a student. On February 18, 2021, Campus administration (Lasso, Beard) and the Title IX Coordinator (Welton) requested that the campus Threat Assessment Team determine whether Respondent Tartt should be removed from school on an emergency basis. On February 19, 2021, the Threat Assessment Team undertook an individualized safety and risk analysis to determine whether an immediate threat to the physical health and safety of Complainant Jones or others, arising from the alleged sexual harassment, justified removal. The Threat Assessment Team’s determined that Tartt’s presence on campus did not pose a threat to the physical health or safety of Jones or others. Tartt remained on campus with the supportive measures cited above. The Threat Assessment also reviewed Complainant’s parents’ comments about suicidal ideation and provided Complainant and her parents with information about community and school resources. A plan was developed for Complainant to have access to a school counselor.
- ... I sent both Complainant and Respondent a letter including written notice of interviews and rights under the Title IX investigation process on February 19, 2021.
- ... I interviewed the Complainant on February 22, 2021. She was accompanied by her parents.
- ... I interviewed witnesses provided by Complainant on February 22, 2021 – February 24, 2021. I gave the witnesses an opportunity to provide written statements. For students who declined to provide a written statement, I took notes of their verbal statements. I interviewed all witnesses separately. Dr. Sharon Fieldstone observed the interviews and assisted me in the development of my investigation notes.
- ... I interviewed the Respondent on February 23, 2021. He was accompanied by his mother and an attorney/advisor, Dewey Cheatham.
- ... I interviewed witnesses identified by the Respondent on February 23-25, 2021.
- ... I gave the parties the opportunity to submit evidence. Complainant submitted text messages, which I reviewed.
- ... I then completed secondary interviews with the Complainant, witnesses, additional witnesses, and the Respondent.
- ... The parties were given the opportunity to inspect and review evidence and submit a written response. Specifically, on March 1, 2021, I emailed a secure, password protected link for the parties to access electronic copies of all evidence collected in this investigation (except the photos). The

parties agreed that additional access to the photos was not necessary. All evidence was provided in an electronic format that prevented alteration, editing, and copying.

- ... On March 5, 2021, the Respondent submitted written responses that were considered by the Investigator. The Complainant did not submit a response.

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## **SUMMARY OF EVIDENCE:**

### **Factual information about the parties**

On February 14, 2021, Assistant Principal Coach Beard broke-up a fight in the cafeteria between two students: Jamie Tartt and Roy Kent. When investigating the cause of the fight, Coach Beard learned that Roy was avenging the honor of his girlfriend, Keeley Jones, who had previously been in a dating relationship with Jamie Tartt. Jones and Tartt are both 15 year old sophomores; they were a couple in a dating relationship during their freshman year of high school. Until February 18, 2021, they were in the same class for Algebra II (5<sup>th</sup> period). Kent is a senior. Tartt and Kent are both members of the men's soccer team.

### **The allegations in the Formal Complaint**

Keeley Jones (Complaint-Student) alleges that Jamie Tartt (Respondent-Student) electronically distributed to classmates nude pictures of her that Jamie obtained while they were in a dating relationship. Mr. & Mrs. Jones claim that other students are bullying and making fun of Keeley at school and on social media, causing her to be humiliated and embarrassed such that she no longer wants to attend school and is threatening suicide.

### **Relevant sections of board policy and the student of code of conduct**

Richmond ISD Board Policy FFH(LOCAL) prohibits discrimination, including harassment, against any student on the basis of race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law. The District further prohibits dating violence. Retaliation against anyone involved in the complaint process is also a violation of District policy and is prohibited. Discrimination, harassment, dating violence, and retaliation as defined in policy are considered "prohibited conduct," even if the behavior does not rise to the level of unlawful conduct. Prohibited conduct also includes sexual harassment as defined by Title IX.

Prohibited sexual harassment means conduct on the basis of sex that satisfies one or more of the following: 1) a school employee conditioning an educational benefit or service upon a student's participation in sexual conduct (often called "quid pro quo" harassment); 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 the District's education programs or activities; or 3) Sexual assault, dating

violence, domestic violence, or stalking.

Additionally, dating violence, prohibited by state law and Board policy, includes behavior when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other person in the relationship. Tex. Family Code §71.0021.

Under the Richmond ISD 2020-2021 Student Code of Conduct:

- ... **Sexual harassment** is a Group III Behavior.
- ... **Sexual harassment** that involves physical conduct is a Group IV Behavior.
- ... **Dating violence** is a Group IV Behavior.

The range of consequences for **Group III** behaviors include: parent/administrator/teacher/SEL support staff/student conference; restorative practices; peer mediation; loss of privilege to have any telecommunication device on campus; suspension; emergency removal from school; referral to law enforcement agencies; and/or any other corrective action deemed appropriate by campus administration and approved by the Office of Student Services.

The range of consequences for **Group IV** behaviors include: parent/administrator/teacher/SEL support staff/student conference; restorative practices; campus reassignment; assignment to DAEP; expulsion; and/or any other corrective action deemed appropriate by campus administration and approved by the Office of Student Services.

To the extent that federal law, including Title IX federal regulations pertaining to sexual harassment investigations, conflicts with the RISD policy or its SCOC, federal law supersedes.

### **Whether a CPS report was necessary**

The allegations as presented did not indicate child abuse or neglect as defined by the Texas Family Code. The investigation did not yield facts indicating suspected child abuse or neglect.

### **Whether there is a related criminal/juvenile investigation**

The campus SRO was notified of the allegations; local law enforcement will determine whether there has been a penal code violation. Law enforcement did not request that the school district delay or abate its investigation in this situation. Law enforcement did not suggest a forensic interview.

### **Evidence collected or provided by witnesses, including physical evidence**

- ... Formal Complaint Form completed by Complainant's Parents
- ... Notice of Rights Letters to Complainant and Respondent
- ... Complainant's Statement Form
- ... Student discipline file for Respondent Tartt
- ... During Complainant's interview, she identified 4 students who reportedly received electronic messages with copies of nude photographs of her: Student A, B, C, and D.
- ... Witness Statement Forms from A, B, C.
- ... Transcription of Statement from Witness D.
- ... Respondent's Statement Form
- ... During Respondent's interview, he identified 2 students who reported that Complainant allowed Students E and F to have access to her phone to view the nude photographs.
- ... Witness Statements Forms from E and F.
- ... Statement from AP Coach Beard regarding initial report
- ... Interview Notes of All Witnesses
- ... Photographs of Complainant\*
- ... Board Policy FFH
- ... RISD Student Code of Conduct
- ... Athletic Code of Conduct and Respondent's Signature for same

\*Photographs in this case were viewed by the undersigned but not maintained as part of the investigative file. The lewd nature of the photographs is not in dispute and maintaining a copy is not necessary for a determination in this matter.

### **Consideration of written responses to evidence.**

After reviewing the evidence, Respondent Tartt submitted an additional statement to the effect that: 1) Complainant Jones voluntarily took and sent the pictures to him; 2) no school devices or technology were involved; 3) Complainant sent the pictures to him outside of the school setting and at night when they were in a relationship; 4) at no time did Complainant ask Respondent not to show the pictures to others; and 5) he did not show the pictures to other students at school.

This is the final investigative report in this matter. The Decision Maker will allow the parties to submit relevant questions for the other party(ies) or witnesses before making a determination of responsibility for sexual harassment.

*Ted Lasso*

March 11, 2021

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Title IX Investigator

Date

**COMPLAINANT: Jones, Keeley**  
**RESPONDENT: Tartt, Jamie**  
**DATE: Mar. 11, 2021**  
**CASE NO.: T9-2021-4 Jones, K.**

cc: Title IX Coordinator – Ms. Rebecca Welton  
Title IX Decision Maker – Mr. Leslie Higgins

**Title IX Determination of Responsibility – Sexual Harassment Decision**

Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) is a federal law that prohibits discrimination based on the sex in educational institutions that receive federal financial assistance. This decision must be issued simultaneously to the Complainant and Respondent.

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**CASE INFORMATION (Please Print):**

Case Number: T9-2021-4 Jones,K.

Complainant: Keeley Jones

Campus: Richmond High School

Respondent: Jamie Tartt

Campus: Richmond High School

**Type of Complaint:**

Discrimination based on: (Check all that apply)

- Sexual Harassment     Sexual Assault     Gender Based Harassment     Dating Violence     Stalking     Retaliation     Other

**Nature of Allegations:**

- A school employee conditioning an educational benefit or service upon a student’s participation in sexual conduct
- 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 programs or activities
- Sexual assault, dating violence, domestic violence, or stalking (as those offenses are defined in the Clery Act, 20 U.S.C. § 1092(f), and the Violence Against Women Act, 34 U.S.C. § 12291(a))

**Specific Allegations**

Identify the allegations potentially constituting sexual harassment: \_\_\_\_\_

Keeley Jones (Student) alleges that Jamie Tartt (Student) electronically distributed to classmates at school nude pictures of Keeley that Jamie obtained while they were in a relationship. Mr. & Mrs. Jones claim that other students are bullying and making fun of Keeley at school and on social media, causing her to be humiliated and embarrassed to the extent she no longer wants to attend school and is threatening to kill herself.

## **Procedural Steps**

Describe the procedural steps taken from the receipt of the Formal Complaint to date:

- ... Assistant Principal Coach Beard received a report of alleged sexual harassment on February 15, 2021. Coach Beard notified the Principal, District Title IX Coordinator, and the School Resource Officer (SRO) of the report via email on February 15, 2021.
- ... The Title IX Coordinator's office contacted alleged victim (Keeley Jones) and her parents and provided with information about the grievance process and supportive measures on February 16, 2021.
- ... The Jones filed a Formal Complaint on February 17, 2021.
- ... The Title IX Coordinator provided the Complainant and Respondent with written notice of their rights in the grievance process and information about the availability of supportive measures on February 18, 2021.
- ... By February 19, 2021, the following supportive measures were implemented:
  - For Jones & Tartt: no contact agreement, opportunity to meet with campus counselor, increased monitoring of students in cafeteria.
  - For Jones: one-week extension to take Algebra II test scheduled for February 15, 2021; one-week extension to turn in history project; campus escort to and from lunch; opportunity to eat lunch in front office
  - For Tartt: schedule change to different Algebra II class
- ... On February 18, 2021, the Title IX Coordinator appointed the undersigned (Lasso) to investigate the Formal Complaint. The investigator was trained to conduct Title IX sexual harassment investigations in accordance with the May 2020 federal regulations at the Texas Title IX Administrators Conference, October 19-20, 2021.
- ... This Investigator reviewed the Formal Complaint and relevant district policy and student code of conduct provisions beginning February 18, 2021.
- ... The State of Texas mandates that threat assessments must be conducted when students display "harmful, threatening, or violent behavior" which includes threats of self-harm, bullying, cyberbullying, fighting, the use or possession of a weapon, sexual assault, sexual harassment, dating violence, stalking, or assault, by a student. On February 18, 2021, Campus administration (Lasso, Beard) and the Title IX Coordinator (Welton) requested that the campus Threat Assessment Team determine whether Respondent Tartt should be removed from school on an emergency basis. On February 19, 2021, the Threat Assessment Team undertook an individualized safety and risk analysis to determine whether an immediate threat to the physical health and safety of Complainant Jones or others, arising from the alleged sexual harassment, justified removal. The Threat Assessment Team's determined that Tartt's presence on campus did not pose a threat to the physical health or safety of Jones or others. Tartt remained on campus with the supportive measures cited above. The Threat Assessment also reviewed Complainant's parents' comments about suicidal ideation and provided Complainant and her parents with information about community and school resources. A plan was developed for Complainant to have access to a school counselor.
- ... The investigator sent both Complainant and Respondent a letter including written notice of interviews and rights under the Title IX investigation process on February 19, 2021.
- ... The investigator interviewed the Complainant on February 22, 2021. She was

- accompanied by her parents.
- ... The investigator interviewed witnesses provided by Complainant on February 22, 2021 – February 24, 2021. The investigator gave the witnesses an opportunity to provide written statements. For students who declined to provide a written statement, the investigator took notes of their verbal statements. The investigator interviewed all witnesses separately. Dr. Sharon Fieldstone observed the interviews and assisted me in the development of my investigation notes.
  - ... The investigator interviewed the Respondent on February 23, 2021. He was accompanied by his mother and an attorney/advisor, Dewey Cheatham.
  - ... The investigator interviewed witnesses identified by the Respondent on February 23-25, 2021.
  - ... The investigator gave the parties the opportunity to submit evidence. Complainant submitted text messages, which the investigator reviewed.
  - ... The investigator then completed secondary interviews with the Complainant, witnesses, additional witnesses, and the Respondent.
  - ... The parties were given the opportunity to inspect and review evidence and submit a written response. Specifically, on March 1, 2021, the investigator emailed a secure, password protected and link for the parties to access electronic copies of all evidence collected in this investigation (except the photos). The parties agreed that additional access to the photos was not necessary. All evidence was provided in an electronic format that prevented alteration, editing, and copying.
  - ... On March 5, 2021, the Respondent submitted written responses that were considered by the Investigator. The Complainant did not submit a response.

## **Findings of Fact**

- ... Complainant is Keeley Jones is a 15 year old sophomore at RHS.
- ... Respondent is Jamie Tartt is a 15 year old sophomore at RHS.
- ... Complainant and Respondent were in a dating relationship during their freshman year of high school, 2019-2020. They are no longer dating.
- ... During their relationship, Complainant took photos of herself in a state of undress using her personal cell phone and while in her home. In her interview, Complainant stated that Respondent asked for “nudes,” which she understood to mean nude photos of herself.
- ... In Respondent’s interview, he admitted to asking for and receiving “nudes” of Complainant during the 2019-2020 school year. He received them on his cell phone through a text message. He saved the photos to his cell phone. Respondent provided a supplemental statement in which he stated that: Complainant voluntarily took and provided him the photos; no school devices or technology were used in the transmission of the photos; Complainant sent the photos outside of the school setting and at night when they were in a relationship; at no time did Complainant ask Respondent to not show the photos to others; and that he did not show the pictures to other students at school.
- ... Complainant claimed that, after Complainant and Respondent were no longer in a dating relationship, Respondent showed the “nudes” to fellow schoolmates, Students C and D. Complainant was told by Students A and B that Students C



- and D claimed to have seen the photos.
- ... Students C and D denied having seen or possessed the photos. Student C provided a written statement denying being shown the photos. Student D declined to write a statement. The investigator interviewed Student D and made notes of the interview.
  - ... Respondent claims that Complainant showed Students E and F the photographs from her own cell phone. Complainant denies this. Students E and F also deny seeing any photographs.
  - ... Neither Complainant nor Respondent identified an adult/employee witness to these events. However, the investigator obtained a statement from English Teacher, Trent Crimm, who overheard students talking about seeing pictures of Complainant.
  - ... Complainant claims that she did not share the photos or show the photos with anyone other than Respondent and that others must have seen them because details of the photos have been the subject of comments made on social media. Those details included descriptions of Complainant's physique, what Complainant was doing in the photographs, and a specific object Complainant had in her hand. Complainant provided copies of two social media posts that contained these details.
  - ... Complainant provided copies of text messages between Complainant and Respondent in which he apologized for "hurting her" and stated that he has "deleted the pics." This text message exchange occurred after Complainant heard from Students C and D that other students had seen the photos.
  - ... Complainant provided a letter from a private counselor stating the effects this situation has had on Complainant, which include an inability to sleep, loss of appetite, inability to focus and complete schoolwork, and comments about self-harm.

### **Conclusion regarding the Code of Conduct and Rationale**

Based on a preponderance of the evidence, it is determined that:

- I. Allegation:  
Keeley Jones (Student) alleges that Jamie Tartt (Student) electronically distributed to classmates at school nude pictures of Keeley that Jamie obtained while they were in a relationship. Mr. & Mrs. Jones claim that other students are bullying and making fun of Keeley at school and on social media, causing her to be humiliated and embarrassed to the extent she no longer wants to attend school and is threatening to kill herself.
  - a. I have determined that it is more likely than not that the Respondent engaged in sexual harassment and dating violence under the district's FFH policy and student code of conduct.
  - b. Rationale for determination: It is undisputed that Complainant provided nude electronic images of herself to Respondent while they were in a dating relationship. Other students had knowledge of specific details about the photos that they would not have, if they had not seen them, as evidenced by the social media posts provided by Complainant. Complainant has been

consistent in her version of events. Respondent's version of events has evolved or differed slightly. When interviewed Respondent denied having shown the photos or sent the photos to anyone. However, in his post-evidence review statement, Respondent stated that he did not show the pictures to other students at school. I infer from this subsequent statement that he did show the pictures to students away from school. The timing of this matter also corresponds to Complainant's new relationship with another student on campus. I have determined that Respondent showed the photographs in retaliation for Complainant entering a new relationship and that Respondent was jealous of Complainant's new relationship. This matter has had an effect at school by affecting Complainant's ability and desire to participate in school programming, causing disruption by students gossiping about this matter as overhead by at least one teacher, and resulting in this investigation. Respondent's action of sharing nude photos of Complainant with other students in an attempt to embarrass her was unwelcome conduct that was so severe, pervasive, and objectively offensive that it effectively denied equal access to the District's education programs or activities. I also find that, because Complainant and Respondent had been in a past dating relationship, Respondent's actions constitute emotional abuse to intimidate or control Complainant by subjecting her to ridicule and making her uncomfortable at RHS.

## **Remedies Provided**

### **Disciplinary Sanctions**

Due to the severity of the impact Respondent's actions have had on Complainant, the following disciplinary sanctions are to be imposed upon the Respondent:

- ... Respondent will be suspended from the soccer team for the remainder of the 2020-21 school year.
- ... A recommendation will be made that Respondent be placed in DAEP for 30 school days.

### **Supportive Measures to Complainant: *(Select only those that apply and provide details. Delete the options below that will not be implemented.)***

- Counseling of students regarding appropriate behavior expectations
- Review of district and code of conduct expectations with students by administrator
- Change of class schedule/lunch schedule/locker location
- Campus/class escort
- Increased school monitoring of [location] for [time period e.g., next 9 weeks]
- School counseling
- Stay away agreement/No contact directives
- Limitation on extracurricular activities
- Training

- Change of work schedule
- Other: \_\_\_\_\_

**Supportive Measures to Respondent: (Select only those that apply and provide details. Delete the options below that will not be implemented.)**

- Counseling of students regarding appropriate behavior expectations
- Review of district and code of conduct expectations with students by administrator
- Change of class schedule/lunch schedule/locker location
- Campus/class escort
- Increased school monitoring of [location] for [time period e.g., next 9 weeks]
- School counseling
- Stay away agreement/No contact directives
- Limitation on extracurricular activities: removal from soccer team for remainder of 20-21 SYr
- Training
- Change of work schedule/reassignment
- Other: DAEP – 30 days

The remedies and measures listed above are designed to restore or preserve equal access to the district’s educational programs.

**Appeal**

Either party may appeal this determination of responsibility on a form provided by the District **within 10 calendar days** of issuance of this decision. The only allowable bases for appeal are:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time of the decision that could affect the outcome; and
3. The Title IX Coordinator, Investigator(s), or Decision Maker has a conflict of interest or bias for or against Complainants or Respondents.

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Name  
Title IX Decision Maker

Date

cc: Title IX Coordinator