

TITLE IX GRIEVANCE PROCESS

DO'S AND DON'TS

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Designation of Title IX Coordinator:

- **Do:** Designate and authorize at least one employee to coordinate schools' efforts to comply with Title IX.
- **Do:** Notify applicants for admission and employment, students, parents, legal guardians, employees, unions and professional organizations of the name, office and e-mail address and telephone number of the Title IX coordinator. Include the Coordinator's contact information in catalogs, employee or student handbooks and on school's website. A complaint may be received by these means, **or by any other means that result in the Title IX coordinator receiving the person's verbal or written report.**
- **Do:** Widely disseminate policy of nondiscrimination in accordance with Title IX.

Designation of Title IX Coordinator:

- **Don't:** Select a Coordinator who is biased toward or against either Complainants (people alleging discrimination or harassment) or Respondents (those alleged to have committed acts of discrimination or harassment).
- **Don't:** Allow the Coordinator to take part in rendering decision.

Grievance Process:

- **Do:** Adopt and publish grievance procedures that provide for resolution of complaints. Procedures must include notification to applicants for admission and employment, students, parents, legal guardians, employees, unions and professional organizations of grievance procedures and process, along with how to file a complaint of sex discrimination, or sexual harassment and how the school will respond.
- **Do:** Recognize that actual knowledge will be imputed to a school where notice is provided to its Title IX Coordinator, or any employee of school who has authority to institute corrective measures on behalf on school.
- **Do:** Provide a formal complaint process for allegations of sexual harassment by persons participating or attempting to participate in the educational program or activity of the school.
- **Do:** Allow the formal complaint to be filed with the Title IX Coordinator in person, by mail, e-mail, or any additional method designated by the school.
- **Do** Provide supportive measures to both complainant and respondent, such as counseling, extensions of deadlines or other course related adjustments, modification of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security or monitoring of certain areas of campus and other similar measures. Such supportive measure must be offered free of charge and can be offered before or after filing of a formal complaint, or where no formal complaint is filed.

Grievance Process:

- **Do:** Maintain as confidential any supportive measures offered to the complainant or respondent.
- **Do:** Conduct a thorough, unbiased investigation. **The burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the school and not the parties.**
- **Do:** Allow each party to review any evidence obtained as part of the investigation (inculpatory and exculpatory) that is related to the allegations raised in the complaint, including the evidence upon which the school does not intend to use at hearing. The parties must be allowed 10 days to respond and the investigator must consider the responses.
- **Do:** Create an investigative report that summarizes the evidence and send to each side for review and written response at least 10 days prior to hearing.

Grievance Process:

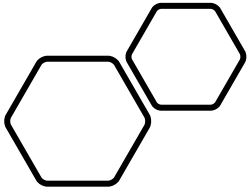
- **Don't:** Administer any disciplinary measures against respondent before completion of the grievance process.
- **Don't:** Hesitate to remove a respondent who poses a threat to the safety of another student, after school undertakes an individualized risk assessment.
- **Don't: Require** parties to participate in an informal resolution process.
- **Don't:** Offer informal resolution as a condition of enrollment, continuing enrollment, or employment, continuing employment, or enjoyment of any other right.
- **Don't:** Allow the investigator to also act as decision maker.

Standard of Evidence

- **Do:** Check the policy to know what is applicable STANDARD OF EVIDENCE
 - **Do:** Let Advisors know at beginning of Hearing
 - **Do:** Recite STANDARD OF EVIDENCE in the written determination
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- This will be a guiding principle to Hearing Officer
 - Sometimes referred to as STANDARD OF PROOF
 - Criminal or civil courts may be using different standard

WRITTEN DETERMINATION

- MUST INCLUDE:
 - Allegations
 - Description of all procedural steps taken
 - Findings of fact
 - Conclusions applying the code of conduct to the facts
 - Rationale for each determination; corresponding disciplinary sanctions imposed; and whether remedies designed to restore or preserve equal access to the School will be provided to the parties
 - Basis for either party to appeal.



Title IX Coordinator implements remedies

Written determination given to parties at same time

Becomes final when time for an appeal has expired; OR if appeal has been filed, the date the determination was given to parties

FINALITY



CONDUCTING THE HEARING:

- **Do:** Provide complainants and respondents live hearings
- **Do:** Provide for live real-time cross examination.
- **Do:** Provide separate rooms required if requested by either party.
- **Do:** Provide advisor of party's choice at no cost to the party.
- **Do:** Allow only advisor questioning and only relevant questions. The decision maker must determine relevancy and explain reasons for excluding inquires before witnesses may answer.

RECORDING THE HEARING:

- **Do:** Record the hearing and make the transcript available to the parties.
- **Do:** Keep all records regarding reports or complaints of sexual harassment, including investigation, informal resolution, recordings, sanctions imposed, appeals, supportive measures and **training materials used to train Title IX Coordinators, investigators, decision makers and anyone who facilitates an informal resolution process.**