

## Receive Complaint

### Meet with Complainant

- Gather facts
- Explain grievance procedure
- Discuss options for filing Title IX formal complaint
- Discuss and offer supportive measures
- Discuss prohibition on retaliation

### Assess the Nature of the Complaint

- Does the complaint/allegation trigger a Title IX obligation?
- Does the alleged conduct constitute sexual harassment under Title IX?
  1. Quid pro quo by an employee
  2. Unwelcome conduct that is severe, pervasive, **and** objectively offensive
  3. Sexual assault, dating violence, domestic violence, or stalking
- Is there jurisdiction over the conduct?
  1. Occur within the United States
  2. District exercise substantial control over both:
    - a. The Respondent, and
    - b. The context in which the conduct occurred.
  3. Complainant participating/attempting to participate in the education program or activity at the time the complaint was filed
- Do you have a formal complaint from complainant or signed by the Title IX Coordinator?
- What Board Policy does this fit under?

### Offer and Implement Supportive Measures

- Consider Administrative Leave/Emergency Removal
- Do not implement discipline yet

### Assess mandated reporter duties

### Assess need to notify law enforcement

### Initiate an Investigation into the Formal Complaint or Engage in the Informal Resolution Process

- Send written Notice of Investigation to Complainant and Respondent
- Consider/Offer Informal Resolution, as appropriate

### Frame Scope of Investigation and Allegations

## Interview Complainant

- Use trauma-informed approach

## Gather, Review, and Preserve Evidence

## Conduct Witness and Respondent Interviews

## Review of Evidence by the Parties

- Send the parties all evidence directly related to allegations
- Parties given 10 days to respond to evidence
- Conduct any necessary follow up

## Prepare the Investigation Report

- Send the parties the Investigation Report at least 10 days before a determination of responsibility is made

## Decision-Maker Makes a Determination of Responsibility for Sexual Harassment

- Allow the parties the opportunity to respond to investigation report and submit written, relevant questions
- Prepare Written Determination

## Recordkeeping Requirements

Retain records of response to complaints/allegations, as required

## Appeal Rights

- If decision is appealed, notice is sent to both parties
- Appeals officer to review and issue written determination

## Take Actions in Response to Sexual Harassment That Are Reasonably Calculated to Stop Harassment and Prevent Recurrence of Harassment

- Discipline appropriate after appeal window closes

### Disclaimer:

As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this document does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.

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