1B.3 Procedure
PROCESS FLOWCHART

Complaint submitted to Title IX Coordinator

Title IX Coordinator determines if complaint meets the definition of sexual harassment under Title IX.

Complaint does not meet the requirements of a Title IX complaint.

Title IX Coordinator discusses other policies/procedures to file complaint (1B.1 or Student Code of Conduct)

Provide supportive measures and discuss complainant options and rights.

Case closed. (Case can be reopened at any time if complainant decides to move forward or new evidence is provided)

Title IX Coordinator contacts complainant to explain the process for filing a formal complaint.

Title IX Coordinator reviews complaint options on obtaining medical attention, reporting to law enforcement, and other off campus resources.

Discuss supportive measures (with or without the filing of a formal complaint) and discuss complainant rights.

Assist complainant with determining an individual who may serve as a process advisor.

Interim Actions (Can occur at any time)

Title IX Coordinator shall consider removal of a student respondent on an emergency basis (no contact letters or summary suspension) after determining the following

1. Complete individualized safety and risk analysis
2. Determine if there is immediate threat to the physical health/safety of student or other individuals.

Respondent shall be provided with an opportunity to challenge the decision immediately following the removal. (If non-student respondent, place on administrative leave pending a grievance process under existing procedure).

Complainant chooses to proceed with the formal complaint process.

Title IX Coordinator notifies Respondent of receipt of complaint.

At initial meeting with respondent, Title IX Coordinator provides links to 1B.3 procedure, and information about the allegations for the respondent to be able to respond to the substance of the complaint.

Respondent may submit a written response to the allegations

Assist respondent with determining an individual who may serve as a process advisor.

Informal Resolution Process

Informal resolution may be offered.

Both complainant and respondent must agree to voluntarily consent, in writing prior to proceeding.

Follow institution procedure for informal resolution.

Informal resolution resolves the matter.

Case closed.

Informal resolution does not resolve the matter.

Proceed to formal investigation process.

Investigation Process

Investigator assigned by Title IX Coordinator (or designee)

Investigator conducts a fact finding inquiry or investigation.

Conduct interviews with complainant, respondent and witnesses.

Allow complainant and respondent the opportunity to review evidence. Both complainant and respondent must have 10 calendar days to submit a written response to the evidence.

Investigative Report Investigator creates an investigative report that summarizes relevant evidence, and at least (10) days prior to a formal hearing, send to each party and the party's advisor, if any, the investigative report in electronic format or hard copy, for their review and written response.

Title IX Coordinator shall refer the matter for a formal hearing.

Formal Hearing Process

Formal hearings for Title IX sexual harassment complaints conducted by the Office for Administrative Hearings.

An advisor must be provided to both the complainant and respondent with no fee or charge to either the complainant or respondent.

At the conclusion of the formal hearing, the administrative law judge will issue a written recommendation for a final decision made by the college or university decisionmaker.

Decisionmaker

After receiving the report and recommendations from the administrative law judge, the decisionmaker shall determine if a policy violation occurred; appropriate sanctions if the policy has been violated; issue a written determination to both parties simultaneously.

Case closed.

Appeal filed

Complainant and respondent may appeal the decisionmaker's decision. The appeal must be submitted in writing within ten (10) calendar days after notification of the decision, and include specific reasons why the decision was improper.

the president or designee shall review the record and determine whether to affirm or modify the decision.

The president or designee may interview complainant/respondent to obtain additional information.

The decision on the appeal must be made in a reasonable time and the complainant, respondent and title IX Coordinator must be notified in writing of the decision.

Appeal decision exhausts the complainant's and respondent's administrative remedies under 1B.3 procedure.

No Basis to Proceed

At any point during the processing of the complaint the Title IX Coordinator may determine there is no basis to proceed under Board Policy 1B.3. The Title IX Coordinator shall refer the complainant as appropriate to other college or university officials. the Title IX Coordinator shall notify the complainant and respondent of the outcome.

If the conduct alleged in the formal Title IX Complaint would not constitute Title IX sexual harassment, even if proved, did not occur in the college or university's education program or activity, or did not occur against a person in the United States, then the institution must dismiss the formal complaint.

The college or university may dismiss a formal complaint or any allegations therein any time during the investigation or hearing if a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint allegations; respondent is no longer enrolled or an employee; or specific circumstances prevent the college or university from gathering evidence sufficient to reach a determination. The Title IX Coordinator must notify both parties of the dismissal promptly.