

TITLE IX GRIEVANCE PROCEDURE

Actual knowledge

Title IX Coordinator Intake:

- Supportive measures
- Grievance procedures
- Option on how to file formal complaint
- Document on Title IX log

No Formal Title IX Complaint

Continue with sexual harassment (non Title IX), or Student Code of Conduct, Staff Handbook or Faculty Handbook

Signed Written Formal Title IX Complaint

Investigation:

Burden is on the College to gather evidence sufficient to make a determination of responsibility in the determination phase.

Determination Phase:

Preponderance of the evidence standard

Penalty based on Student Code of Conduct, Staff Handbook or Faculty Handbook

Informal Resolution:

- Each party must give voluntary, written consent.
- Not available for allegations of employee misconduct against a student.
- Not recommend for sexual violence

Mandatory Dismissal:

- Not an education program or activity
- Conduct not Sexual Harassment (per Title IX)
- Conduct occurred outside the jurisdiction of Title IX

Discretionary Dismissal:

- Complainant withdraws complaint
- Respondent no longer affiliated with College
- Evidence unavailable

Formal Complaint Dismissal /Appeal of Determination of Responsibility:

- Procedural Irregularity that affected the outcome
- New Evidence that affected the outcome
- Conflict of Interest that affected the outcome

KEY TITLE IX DEFINITIONS:

- **Actual Knowledge** occurs when any employee:
 - a. Witnesses sexual harassment first hand;
 - b. Hears about an allegation of sexual harassment from any source; or
 - c. Receives a complaint about sexual harassment by any means (e.g. written, verbal, electronic)

- **Sexual Harassment** occurs when conduct on the basis of sex rises to the level of at least one of the following:
 - a. An employee of a district conditions the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct;
 - b. **Unwelcome** conduct which a reasonable person would determine to be **so severe, pervasive, and objectively offensive** that it effectively **denies a person equal access** to the district's education program or activity. (i.e. hostile environment); or
 - c. **Sexual assault, dating violence, domestic violence, and stalking (on the basis of sex)** as defined under federal law (i.e. Clery Act and Violence Against Women Act).

- **Jurisdiction**: The school is required to respond, under Title IX, to those **allegations of sexual harassment where**:
 - a. The school exercises substantial control over both the respondent (i.e. the person accused of sexual harassment) and the context (e.g. school setting, or school sponsored event) in which the harassment occurred; and
 - b. At the time of the alleged sexual harassment, the complainant (i.e. the alleged victim of sexual harassment) must be:
 - i. in the United States, and
 - ii. trying to access a school's education program or activity.