

Title IX Coordinator Initial Procedures upon a Report of Sexual Harassment

The revised Title IX regulations require the Title IX Coordinator (who must be a school employee and be trained on the new regulations) to promptly contact the Complainant (i.e., the person who is alleged to be a victim of conduct that could constitute Title IX sexual harassment) upon notice or a report of sexual harassment to the Title IX Coordinator or any school employee. The purpose of this initial contact is to explain the process for filing a Formal Complaint, the availability of Supportive Measures with or without filing a Formal Complaint, and to consider the Complainant's wishes about Supportive Measures. While the regulations only require the Title IX Coordinator to "contact" the Complainant, we recommend that the Title IX Coordinator meet with the Complainant.

Initial Steps upon Notice or Report of Sexual Harassment

- Contact the Complainant (and the Complainant's parent/guardian, as appropriate, if Complainant is a minor) to request a meeting because the school received information suggesting that the Complainant may have been subject to Title IX sexual harassment.
- Explain that the purpose of the meeting is to review the process for filing a Formal Complaint under Title IX and to discuss Supportive Measures that the school can provide with or without the Complainant filing a Formal Complaint.
- Schedule a date and time for the meeting. Note: The Title IX Coordinator is required to contact the Complainant "promptly" so this meeting typically should occur within one or two business days of the school receiving the report of sexual harassment or within the time frame set forth in your policy.

Meeting with the Complainant

- Inform the Complainant that the school has received notice that the Complainant may have been subject to Title IX sexual harassment.
- Explain the process for filing a Formal Complaint under Title IX.

The Complainant may file a Formal Complaint by alleging sexual harassment by a Respondent and requesting that the school investigate. Any Formal Complaint must be in writing and signed by the Complainant. This may be done by using the school's form or submitting a written document that is signed by the Complainant that alleges sexual harassment.

Explain that if Complainant does not file a Formal Complaint, the Title IX Coordinator may, if appropriate, sign a Formal Complaint to open an investigation into the allegations. If the Title IX Coordinator signs a Formal Complaint, both parties will receive written notice that an investigation has been opened.

- Explain briefly the Grievance Process that the school must follow once a Formal Complaint is filed so that the Complainant understands the investigation process. The Title IX Coordinator should neither encourage nor discourage the filing of a Formal Complaint during this conversation. Explain that the Grievance Process contains the following requirements:
 - The school must provide both parties notice of the allegations.

- The school will assign a trained investigator to conduct an independent, unbiased investigation into the allegations. This investigator may or may not be a school employee.
 - The school is required to keep the Complainant's identity confidential except when Title IX requires information about the Complainant to be disclosed within the Title IX grievance process or as otherwise required by law. Information about the Complainant, including the Complainant's identity, may be disclosed:
 - When providing notice of the specific allegations to the Respondent (the person alleged to have perpetrated sexual harassment);
 - When the investigator provides both parties the opportunity to inspect and review any evidence that the investigator has obtained as part of the investigation;
 - When the investigation report is provided to both parties; and
 - As otherwise required during the investigation.
 - The Respondent is presumed not responsible until the decision-maker makes a determination of responsibility following the investigation.
 - The grievance process usually takes at least 60 days, absent extenuating circumstances.
 - The investigator cannot restrict either party from discussing the allegations or gathering evidence to support the party's case.
 - Retaliation against either party or any witness is strictly prohibited.
- Explain to the Complainant that if the Complainant chooses not to file a Formal Complaint, the school still has an obligation to implement Supportive Measures, as appropriate, and will address all allegations to the best of its ability and to the extent permitted by law, which may include the Title IX Coordinator signing a Formal Complaint.
- Discuss the availability of Supportive Measures
- Explain that the school is required to provide, as appropriate, non-disciplinary, non-punitive individualized services to the Complainant or Respondent regardless of whether a Formal Complaint is filed.
 - Explain that the purpose of Supportive Measures is to restore or preserve the Complainant's equal access to the school's programs and activities; they are offered without charge; and they are designed to protect the safety of the parties, the educational environment, and to deter sexual harassment.
 - Provide the Complainant examples of available Supportive Measures. Supportive Measures could include, but are not limited to: school-provided counseling, class schedule modification, provision of an escort, and mutual no-contact orders.
 - Ask the Complainant and parents, as appropriate, for their input about the Supportive Measures they believe would be helpful.
 - Offer Supportive Measures, taking into consideration the input of the Complainant and parents, as appropriate and reasonable.
 - Document the Supportive Measures offered and the Supportive Measures accepted and rejected by the party. If no Supportive Measures are provided, document the reasons why.