

A black and white photograph of a person's hands writing in a spiral-bound notebook. The notebook is open and resting on a laptop keyboard. The person is wearing a dark, textured sweater. The background is a light-colored wooden surface. A dark blue semi-transparent overlay covers the left side of the image, containing the text 'Reports and Intake Meetings' in white serif font. There are white L-shaped corner brackets on the left and top of the text area.

Reports and Intake Meetings

In This Chapter



TITLE IX REPORTING



INTAKE MEETINGS



FORMAL
COMPLAINTS

Title IX Reporting

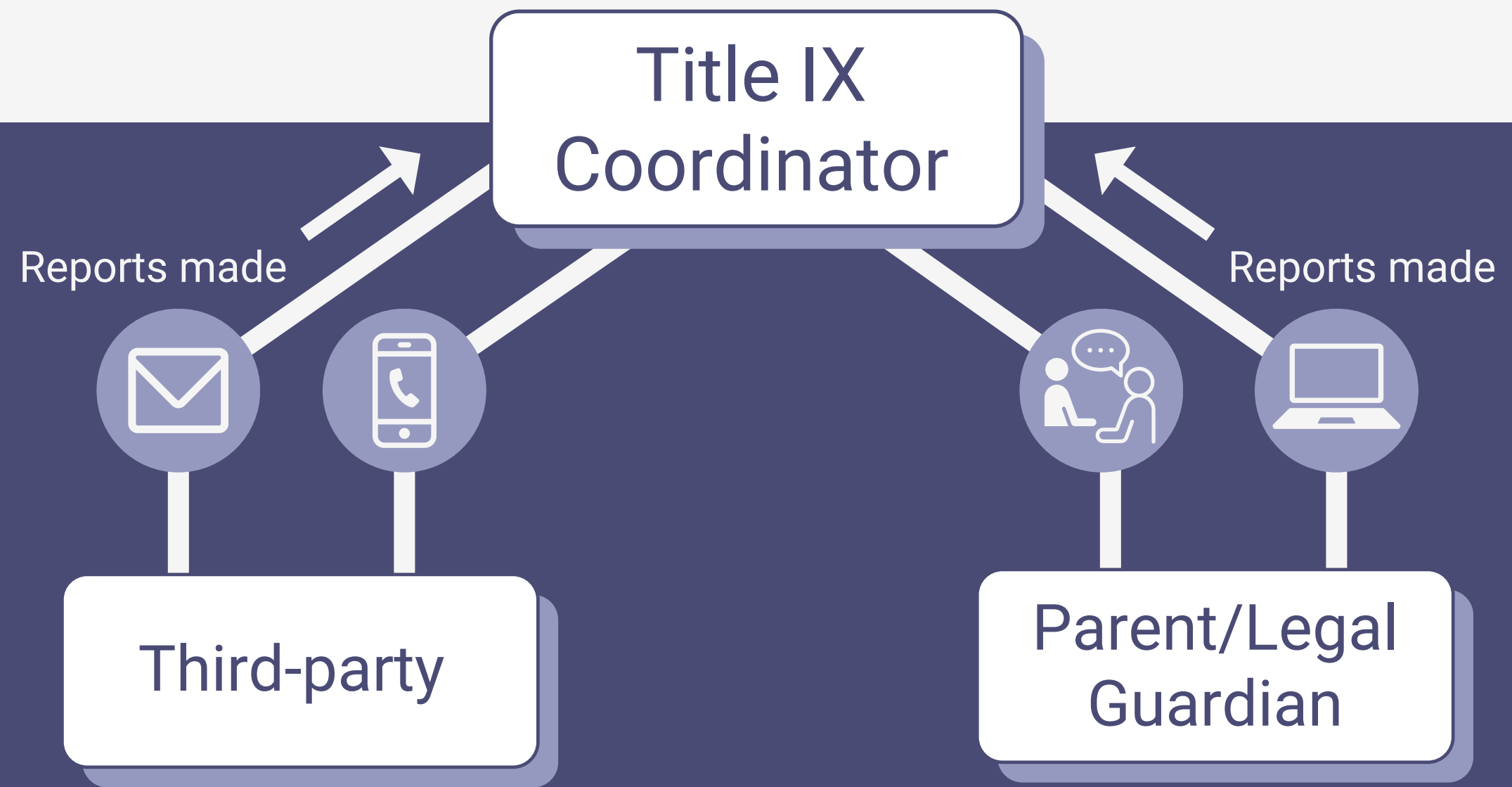


Reporting Incidents of Sexual Harassment

As stated in the Title IX Regulations, any person may report sex discrimination, including sexual harassment, to the Title IX Coordinator.

"Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator."

34 CFR §106.8(a)



External

External Reporting Considerations



Consider the various individuals outside of the school setting who may report incidents of sexual harassment to your Title IX Coordinator.

Who are they?

What would their experience be if they sought out information on how to report Title IX sexual harassment ?

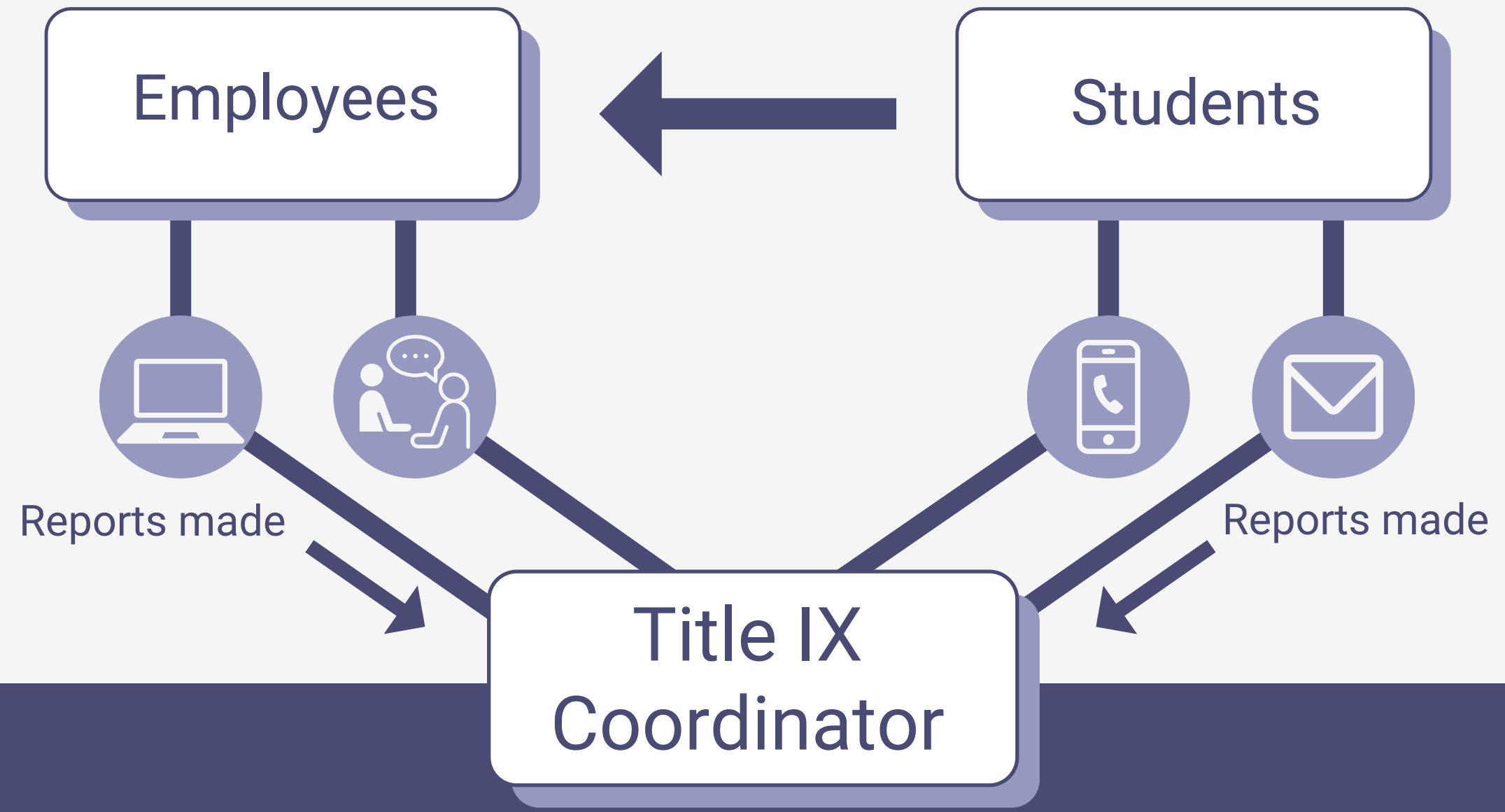


What do you want them to know?

What information do you want them to have access to?

How can you make the process of reporting easier for them?

Internal



Internal Reporting Considerations



Consider how many employees you have at your institution.

From the top down, what is your level of confidence that each employee could articulate their reporting responsibilities under Title IX?

How will you provide training on these responsibilities?



Consider the way your students interact with each type of employee at your institution.

Do students know employee reporting requirements under Title IX?

How would you communicate this to them?

Reporting at K-12 Institutions



"Notice of sexual harassment to elementary and secondary school employees, who may include principals, teachers, school counselors, coaches, school bus drivers, and all other employees will obligate the recipient to respond to Title IX sexual harassment."

2020 Preamble to the Title IX Regulations, p. 332-333

Reporting at Postsecondary Institutions

“For all recipients, notice to the recipient’s Title IX Coordinator or to “any official of the recipient who has authority to institute corrective measures on behalf of the recipient” (referred to herein as “officials with authority”) conveys actual knowledge to the recipient and triggers the recipient’s response obligations. Determining whether an individual is an “official with authority” is a legal determination that depends on the specific facts relating to a recipient’s administrative structure and the roles and duties held by officials in the recipient’s own operations.”

(pp.50-51 Preamble to the Title IX Regulations)



Consult institutional policy and other relevant state laws to determine who must report and what they must report.

Following a Report



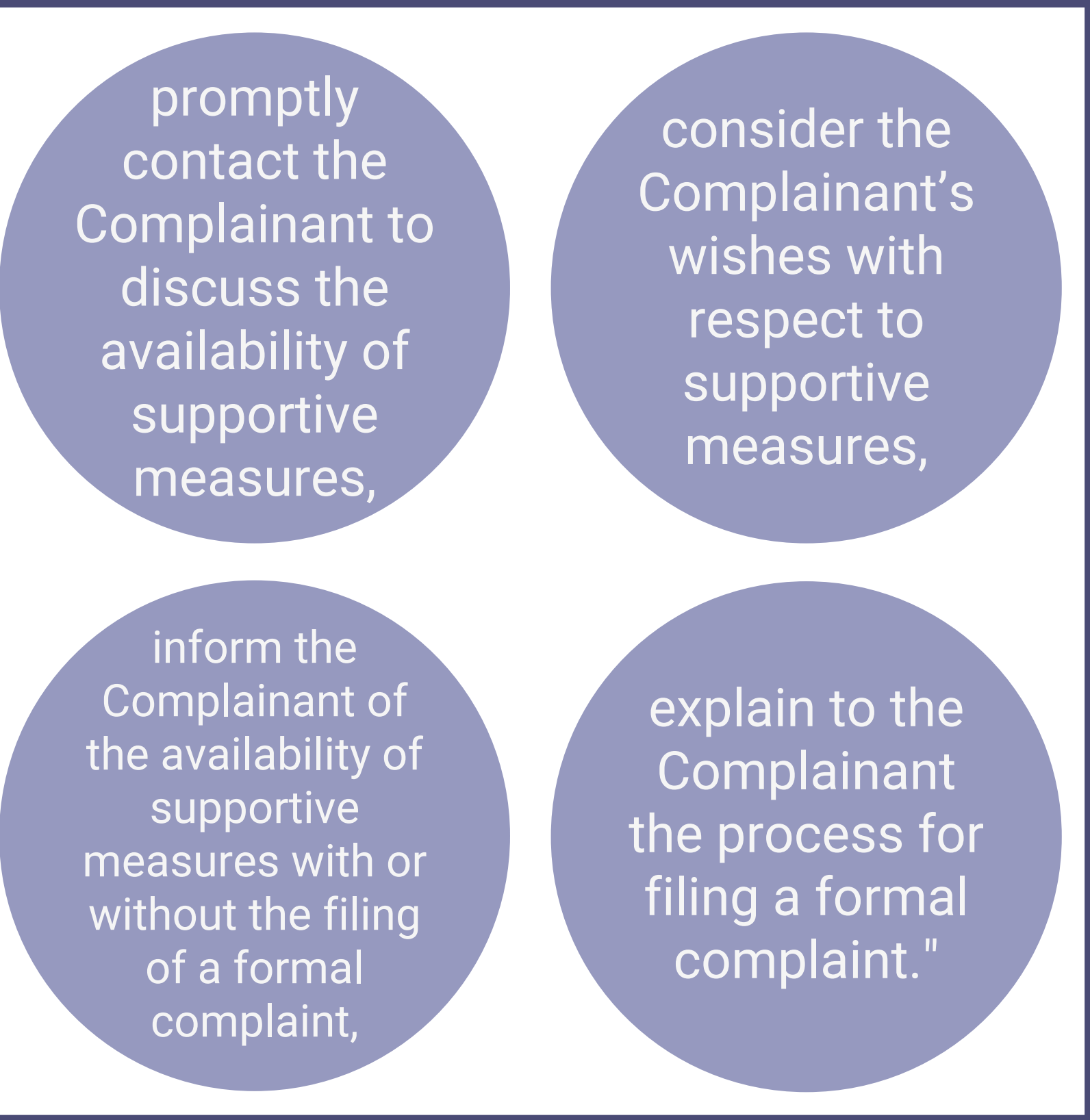
What must the Title IX Coordinator do next to ensure the institution is not acting with deliberate indifference?

What do the Title IX Regulations say?

(Hint: §106.44 Recipient's response to sexual harassment provides the answer.)

The Title IX Coordinator is responsible for doing....

"The Title IX Coordinator must..."



these four important things.

A circular icon with a purple-to-blue gradient background, containing a white circle with the Roman numeral IX inside.

IX

Coordinator Training Point

How should you go about this?

Letter of the Law vs. Spirit of the Law

The Regulations, as they're written, could be satisfied in an email with the following:

- A written statement or graphic sent to the Complainant explaining the availability of supportive measures and providing a few examples
- A brief, written statement explaining the process for filing a formal complaint
- A sentence explaining the availability to utilize supportive measures even if a formal complaint is not filed.

If the Complainant responded to this email and the Coordinator considered their wishes as they relate to supportive measures, they would technically be compliant.

Letter of the Law vs. Spirit of the Law

However, could and technically are not best practice.

"...the Department has tailored a deliberate indifference standard for administrative enforcement purposes by adding specific obligations that every recipient must meet as part of every response to sexual harassment, including offering supportive measures to Complainants through the Title IX Coordinator engaging in an interactive discussion with the Complainant about the complainant's wishes, and explaining to the Complainant the option and process for filing a formal complaint."

(p. 224 Preamble to the Title IX Regulations)

This is meant to be a thoughtful, in-person discussion!

Intake Meetings



Title IX Grievance Process

WE ARE
HERE



INTAKE/
REVIEW

FORMAL
COMPLAINT
FILED

NOTICE OF
ALLEGATIONS
SENT TO PARTIES

INVESTIGATION

DECISION-
MAKING
PROCESS

WRITTEN
DETERMINATION

APPEALS
PROCESS



Promptly contact the Complainant to discuss the availability of supportive measures.



Questions to consider

- 1) What is considered prompt?
- 2) How will I initiate contact?
- 3) Who do I need to include in my initial contact?
- 4) What will be said in my initial contact?
- 5) What if the Complainant does not respond to my attempts to contact?

1) What is considered prompt?

As soon as you receive the report, you should reach out. (If the report is received after business hours, on the weekend, or a holiday, contact on the first business day you return.) However, If the report suggests an immediate threat or safety risk, ensure immediate communication.

2) How will I initiate contact?

Best practice is to initiate contact in writing for recordkeeping, but in some cases, you may need to make a phone call. *Remember to document date and time, as well as what was shared.*

3) Who do I need to include in my initial contact?

The Complainant, as well as their parent/legal guardian if the party is a minor.

4) What will be said in my initial contact?

Introduction, brief explanation of Title IX and your reason for reaching out, request for meeting, helpful documents (processes, policy, list of supportive measures)

5) What if the Complainant does not respond to my attempts to contact?

- Vary your attempts to contact and document all attempts.
 - Email, phone calls to Complainant and parent, final attempt with a trackable letter or email
 - Some case management systems provide thorough tracking of all communications
- Decide how many attempts you will make before closing the case for non-contact.
- Ensure you have at least provided information about the availability of supportive measures, as well as the process for filing a formal complaint as those are required under Title IX.

Consider the Complainant's wishes with respect to supportive measures



Questions to consider

- 1) How can I inform the Complainant of which supportive measures may be available?
- 2) How can I ensure supportive measures are available?
- 3) What does it mean to "consider" their wishes?
- 4) What materials can I send home with the Complainant?

1) How can I inform the Complainant of which supportive measures may be available?

Provide a general list or infographic of the areas in which supportive measures may be available. Note that the list is not exhaustive and other options may be available upon communication of the Complainant's needs.

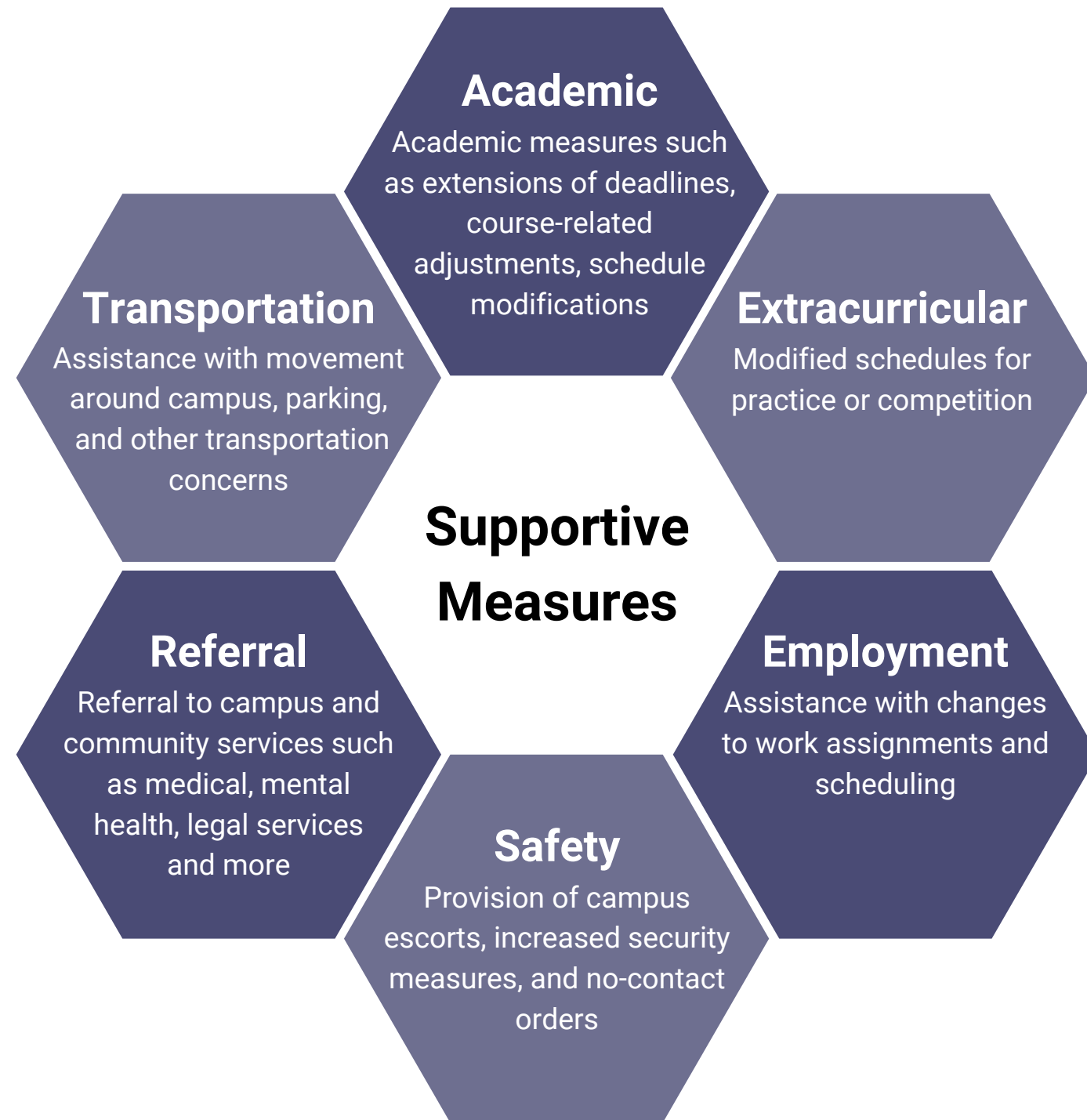
2) How can I ensure supportive measures are available?

Coordinate with all possible partners (academic, administrative, extracurricular, community, health, safety) to understand processes and potential for measures.

3) What does it mean to "consider" their wishes?

Do not promise any supportive measure until you know it is feasible. There are some things a Complainant may ask for that are not within the realm of possibility.

4) What materials can I send home with the Complainant?



Handout containing

- Explanation of supportive measures
- Information regarding your role in implementing any supportive measures needed
- Range of supportive measures available
- Helpful campus and community resources

Inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint



Questions to consider

- 1) How will I communicate this?
- 2) How long will these supportive measures need to be in place?

1) How will I communicate this?

After explaining the process for submitting a formal complaint and giving an overview of the grievance process, simply let the Complainant know they can receive supportive measures by working with you, regardless of which option they choose. Empathetically inform them that you are there to help them, but you want to give them as much agency as possible to decide what is right for them.

2) How long will these supportive measures need to be in place?

There is no expiration date for supportive measures, with or without a formal complaint in place. This will need to be a continued conversation between the Title IX Coordinator and the Complainant.

You will want to consider the impact to the Complainant's education program or activity and how supportive measures might alleviate that impact.

Explain to the Complainant the process for filing a formal complaint



Questions to consider

- 1) How can I best explain this process?
- 2) What information does the Complainant need to know to make the most informed decision?
- 3) How will I communicate a decision to initiate a formal complaint if it is serious and the Complainant does not wish to move forward?

1) How can I best explain this process?

Share policy and any procedural documents/handouts you have. Be thorough, but do not overwhelm the Complainant with complicated language. Answer any questions they might have regarding what would follow a formal complaint.

2) What information does the Complainant need to know to make the most informed decision?

The Complainant needs to be aware of the policy, rights as a Complainant in a Title IX case, the Title IX grievance procedure, potential outcomes, and resources available. Ensure you have provided all of this information to the Complainant so there are no "surprises" if they choose to submit a formal complaint.

Tips for the Intake Meeting

- Seek more details to help you perform the incident evaluation. However, do not turn this into an investigative interview...that comes later!
- Use empathetic communication and use trauma-informed techniques to allow for choice and voice of the Complainant.
- Practice active listenening. Repeat Complainant's statements back to them. "So what I am hearing you say is..."
- Be prepared. Have all handouts and documents printed and readily available.
- Follow up. If you have not heard from the Complainant following the intake meeting, check in to see if there are any questions to answer.
- Discuss timeline for filing complaint with the Complainant

Formal Complaints



Formal Complaint

Formal Complaint §106.30 Definitions.

"means a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the recipient investigate the allegation of sexual harassment."



- Can be a physical document or an electronic document (email, Word document, etc.)
- Must contain a physical or electronic signature of the Complainant
- OR it can be signed by the Title IX Coordinator if it is decided the Coordinator will file without the Complainant's participation in the process (usually following a safety and risk assessment)

Report vs. Formal Complaint

Report

- May allege sexual harassment, sex discrimination, or sexual misconduct
- May be written or oral
- May be submitted by any person, not just the alleged victim
- May be anonymous
- May be made at any time
- May be made in person or by mail, phone, email or any other means

Formal Complaint

- Alleges Title IX sexual harassment
- Required for initiation of the Title IX grievance process
- Required to be filed and signed by the Complainant or Complainant's parent or guardian (or Title IX Coordinator in certain instances)
- Cannot be filed anonymously or by a third-party

Parental/Guardian Rights

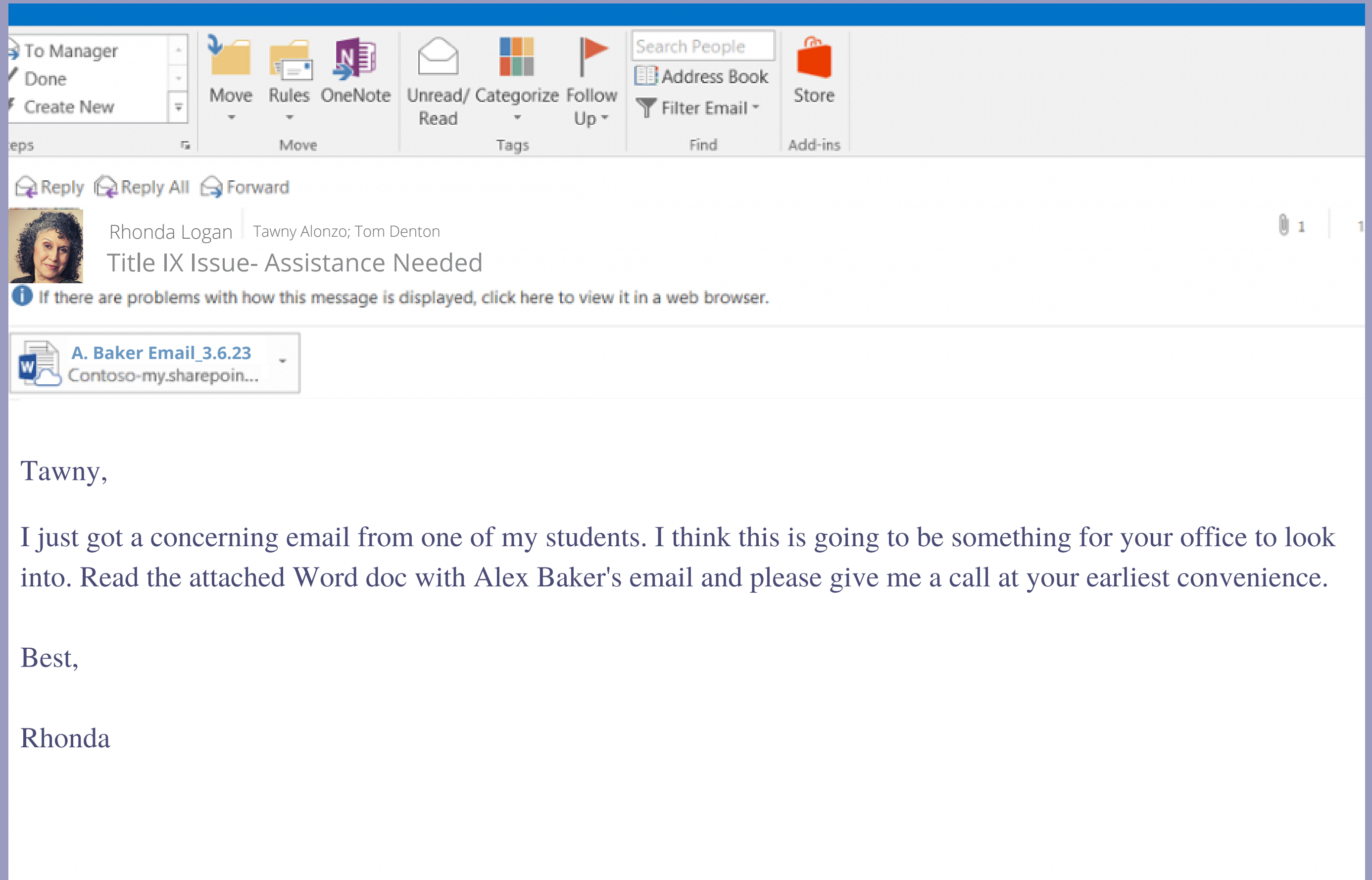
§ 106.6(g) Exercise of rights by parents or guardians.

“Nothing in this part may be read in derogation of any legal right of a parent or guardian to act on behalf of a “complainant,” “respondent,” “party,” or other individual, subject to paragraph (e) of this section, including but not limited to filing a formal complaint.”



There is no statute of limitations on filing a formal complaint. However, the Complainant “must be participating or attempting to participate in the recipient’s education program or activity” at the time of filing.

Sample initial report of potential concern



To Manager
Done
Create New

Move
Rules
OneNote


Unread/Read
Categorize
Tags

Follow Up


Search People
Address Book
Filter Email

Store
Add-ins

Reply
Reply All
Forward

 Rhonda Logan | Tawny Alonzo; Tom Denton
Title IX Issue- Assistance Needed

[If there are problems with how this message is displayed, click here to view it in a web browser.](#)

 **A. Baker Email_3.6.23**
Contoso-my.sharepoin...

Tawny,

I just got a concerning email from one of my students. I think this is going to be something for your office to look into. Read the attached Word doc with Alex Baker's email and please give me a call at your earliest convenience.

Best,

Rhonda

Sample Formal Complaint

March 10, 2023

To the Sample University Title IX Coordinator,

On the night of March 3rd, a Friday, the Music Department held a celebratory dinner for all seniors who will be graduating this spring. The students, department faculty, and some program alumni were invited to attend the event which was held in the main banquet room in Briggs Hall. The event started at 7 PM. I was seated at a table with two Music Department faculty members, one of which was my professor Dr. Logan, and three other students, one of which was Jordan Reynolds. I thought the dinner was pleasant and overall, conversation seemed pretty normal. However, there was a cash bar provided, with wine and beer, and I saw Jordan Reynolds drinking quite a bit. I noticed Jordan getting louder and more talkative with each drink they had. I saw Jordan drink four beers, but I don't know if they had more than that because I was not around them until we were seated. I don't drink, so I didn't visit the bar.

When the event was over, Dr. Logan asked if she could have some help taking two boxes of table decorations back to the Music Department administrative office also in Briggs Hall. I wanted to be helpful, so I volunteered to take a box back. Jordan immediately jumped in saying they would join me. I was somewhat annoyed because they were clearly intoxicated and had been looking at me strangely all night.

Dr. Logan informed me that the main office was unlocked and that we could place the boxes behind the main reception desk. Dr. Logan said she would lock up later when she gathered her personal belongings from her office. Jordan and I walked down the hall to the Music Department office where it was extremely dark. We put the boxes behind the reception desk as Dr. Logan instructed us to do. I felt weird about being in there with them, so I immediately made my way to the door so I could go to my car and go home. Jordan ran to the door and pushed it closed, pinning me between themselves and the door. I was terrified. Jordan told me we should "take advantage of the privacy" and started telling me how attracted they are to me. I froze and couldn't say anything or even more. Jordan forcefully began kissing my neck and had my arms held down to my side. Jordan started pulling my dress up and put their hand inside my underwear. I started to squirm around and felt myself crying. Jordan said something like, "You'll enjoy it if you just let it happen," and told me we should keep going. As they started to unbuckle their belt, I had enough space to push them away and ran out the door as fast as I could.

As I was running down the hall, I passed Dr. Logan, who I think saw me crying. I couldn't stop because I was afraid Jordan would follow me into the parking lot. I missed classes on Monday because I didn't want to risk bumping into Jordan on campus. One of the classes I missed was Dr. Logan's capstone class, which I never skip. I emailed her to tell her I was sick, but she asked if my absence had anything to do with what she saw Friday night. I didn't know what to do, so I just broke down and told her everything.

I would like to file a formal complaint against Jordan Reynolds. I feel unsafe and scared.

Signed,



Alex Baker

Consolidation of Formal Complaints

Schools may consolidate formal complaints:

- ❖ Against more than one Respondent
- ❖ By more than one Complainant against one or more Respondents
- ❖ By one party against the other, where the allegations arise out of the same facts or circumstances

Explain to the Complainant the process for filing a formal complaint



Questions to consider

- 1) How can I best explain this process?
- 2) What information does the Complainant need to know to make the most informed decision?
- 3) How will I communicate a decision to initiate a formal complaint if it is serious and the Complainant does not wish to move forward?

3) How will I communicate a decision to initiate a formal complaint if it is serious and the Complainant does not wish to move forward?

"These final regulations obligate a recipient to initiate a grievance process when a Complainant files, or a Title IX Coordinator signs, a formal complaint, so that the Title IX Coordinator takes into account the wishes of a Complainant and only initiates a grievance process against the Complainant's wishes if doing so is not clearly unreasonable in light of the known circumstances."

(p. 71 Preamble to the Title IX Regulations)

Explain the need to protect the safety of both the Complainant and greater school community. If the allegations are serious and pose risk of further harm to the Complainant or others, an investigation is necessary.

Inform the Complainant of their right to not participate, but gently inform them that their participation in the Title IX grievance process would be of great help.



If Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a Complainant or otherwise a party.

A circular icon with a white border containing the Roman numeral IX, representing Title IX. The icon is set against a dark blue background.

IX

Coordinator Training Point

What criteria would be relevant in helping a Title IX Coordinator decide whether to move forward with a complaint?