

# IDAHO K-12 TITLE IX PROFESSIONAL LEARNING COMMUNITY #6

## TITLE IX: COMPLIANT GRIEVANCE PROCESS PT 5

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# FUTURE MEETINGS AND UPDATES

- ▶ June – second Tuesday, 8am PT/9am MT for 1 hour
  - ▶ Exploring continuing through summer
  
- ▶ NEW REGS -  
<https://www2.ed.gov/about/offices/list/ocr/docs/t9-final-rule-summary.pdf>

# OVERVIEW OF GRIEVANCE PROCEDURES



# TITLE IX FORMAL GRIEVANCE PROCESS – MUST PROVIDE FOR “PROMOTE AND EQUITABLE RESOLUTIONS OF STUDENT AND EMPLOYEE COMPLAINTS”

TIX Coordinator

Report

- Voluntary
- Mandatory

Supportive Measures

- Referrals
- Safety plans
- No-Contact
- Class/schedule change
- School escort
- Parking mods
- Academic help
- Education
- Etc.

Formal Complaint

- Intent
- Allegations
- Signature\*

- Not sexual harassment;
- Not in United States; or
- Not education program/activity

Dismissal\*

- HR
- Supervisor
- Principal
- Counselor

Referral

Notice of Allegations

Investigation

- Interviews
- Evidence
- Preliminary Report
- Final Report

Decision Process

- Written Questions
- Decision
- Sanctions
- Outcome Letter

Appeal

- Paper only
- Uphold
- Change sanctions
- Remand

Sanctions & Remedies

- Only applied after appeal concluded
- May be disciplinary

Notice

Informal Resolution

# REVIEW

# REVIEW

- ▶ Investigations
  - ▶ Baseline considerations
- ▶ Hearings/Decision Making Process

# CONTINUANCE – AFTER RECEIVING FORMAL COMPLAINT – 34 CFR 106.45 PT 2 ET SEQ.

# DETERMINATIONS REGARDING RESPONSIBILITY

- ▶ Made by decision-maker
  - ▶ Cannot be Title IX Coordinator or Investigator
- ▶ Decision-maker must issue written determination
  - ▶ Must be based on the standard of evidence you have opted to use
    - ▶ Preponderance of evidence OR
    - ▶ Clear and convincing



# WRITTEN DETERMINATION OF OUTCOME

- ▶ A written determination must include
  - ▶ Identification of the allegation
  - ▶ Procedural summary
  - ▶ Findings of fact supporting the determination
  - ▶ Conclusions regarding application of policy to the facts
  - ▶ Rational for findings and any disciplinary actions
  - ▶ Information on how to appeal

# WRITTEN DETERMINATION OF OUTCOME

- ▶ Must be provided to the parties at the same time
- ▶ Becomes final upon appeal decision OR if no appeal is filed, when possibility to appeal expires
- ▶ The Title IX Coordinator is responsible for ensuring effective implementation of any remedies

# APPEALS

- ▶ MUST OFFER BOTH PARTIES an appeal from:
  - ▶ A determination of responsibility
  - ▶ The dismissal of a formal complaint or any allegations therein
- ▶ Required bases of appeal:
  - ▶ Procedural irregularity
  - ▶ New evidence
  - ▶ Conflict of interest or bias

# APPEALS

- ▶ For all appeals, you must:
  - ▶ Notify the other party **in writing** an appeal was filed
  - ▶ Have a trained, non-biased, and conflict-free appeal decision-maker available
  - ▶ Provide parties an equal opportunity to submit a response
  - ▶ Issue a **written** decision
  - ▶ Provide the decision to both parties at the same time

# NEXT MONTH – NEW REGS REVIEW AND GRIEVANCE PROCEDURES PT. 6

- ▶ Informal resolution
- ▶ Record keeping

# WHAT QUESTIONS OR CONCERNS HAVE ARISEN FOR YOU THIS MONTH?

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