Filing a Formal Complaint

- Filed by the Complainant or signed by the Title IX Coordinator.
- Requests that the IHE investigate the allegations of sexual harassment.
- In person, by mail, email or approved method with Complainant’s signature.
- Complainant must be participating in or attempting to participate in the IHE’s education program or activity.
The Formal Complaint: More Than One Respondent

- May consolidate formal complaints against more than one respondent, or by one party against the other party
  - Allegations arise out of the same facts or circumstances.

- Complaints may be filed and sanction imposed only against individuals, not groups

Written Notice of Allegations

- Notice of the grievance process.
- Notice of the allegations, including sufficient details and time to prepare a response before the initial interview.
- Statement that the respondent is presumed not responsible.
- Right to advisor of choice.
- Right to inspect and review evidence.
- Any prohibition of false statements or information.

Provide updated notice with any later discovered additional allegations.
Mandatory/Discretionary Dismissals

Mandatory if Conduct Alleged:
- Would not constitute sexual harassment even if proved;
- Did not occur in the IHE's education program or activity; or
- Did not occur in the United States.

Discretionary If:
- Complainant notifies the Title IX Coordinator in writing of a wish to withdraw complaint or any allegations in it;
- Respondent is no longer enrolled or employed; or
- Specific circumstances prevent sufficient gathering of evidence to reach a determination.
**Dismissal Results**

If a formal complaint is dismissed:
- Provide written notice of dismissal and reasons to both parties.
- Provide an appeal process.
- The matter *may* proceed under another provision, policy or code.

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**Supportive Measures**
Response to a Report

- Offer support measures promptly to the Complainant.
- Explain the process for filing a formal complaint.
- Consider the Complainant’s wishes as to supportive measures.
- Follow a grievance process that complies with the regulations before imposing any disciplinary sanctions or other actions that are not supportive measures against the Respondent.

Supportive Measures

- Available to complainant and respondent
- Non-disciplinary and non-punitive
- Treat complainant and respondent equitably
- No fee or charge to complainant or respondent
- Restore or preserve equal access without unreasonably burdening the other party
- Confidential to the extent possible
Informal Resolution

Informal Resolution Requirements

- Only *after* a formal complaint is filed
  - At any point in the process
  - May return to formal process if informal resolution does not resolve the matter
- All forms of sexual harassment
  - *NOT* – Allegations of employee against student harassment
  - *ONLY* – When the institution deems it appropriate
- Process is facilitated by trained individuals with no conflict of interest or bias
- Written, voluntary consent by the parties, which requires …
Informal Resolution Process

- Parties must be given written notice of:
  - The allegations and the requirements of the informal resolution process;
  - The right to withdraw from the informal procedure at any time prior to agreeing to a resolution;
  - The circumstances precluding parties from resuming the formal complaint arising from the same allegations; and
  - Any consequences associated with informal resolution, including records that will be maintained or could be shared.

Note

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