IDAHO K-12 TITLE IX PROFESSIONAL LEARNING COMMUNITY #3

TITLE IX: COMPLIANT GRIEVANCE PROCESS PT 2

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February 2024

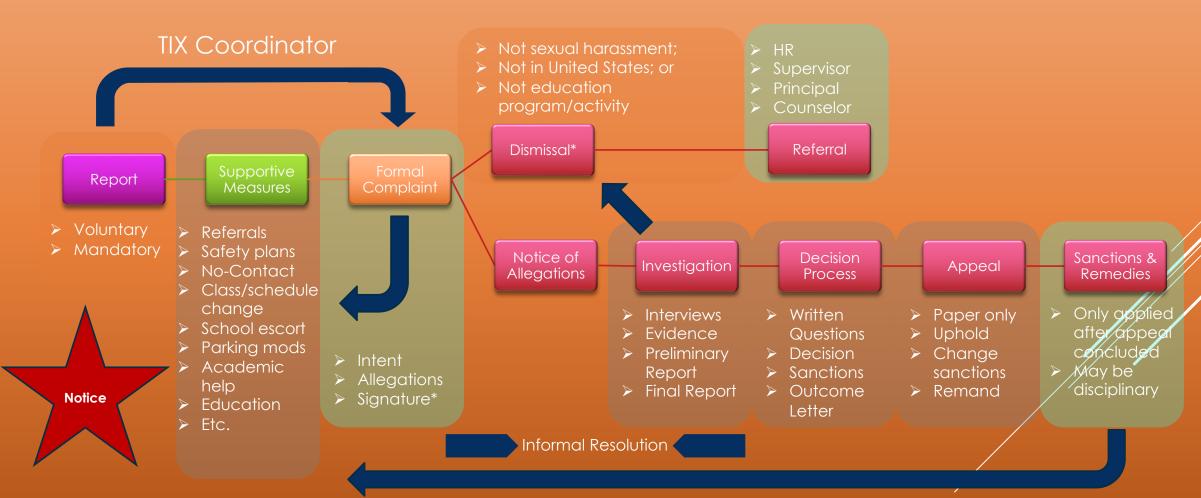
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FUTURE MEETINGS

- ► March June second Tuesday each month
- ▶ Each meeting is at 8am PT/9am MT for 1 hour

OVERVIEW OF GRIEVANCE PROCEDURES

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



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RESPONSE UPON RECEIPT OF FORMAL COMPLAINT – 34 CFR 106.45

- ▶ Grievance processes must:
 - 1. Treat parties equitably
 - 1. Follow compliant, published grievance process
 - 2. Provide remedies designed to restore or preserve equal access
 - 2. Objectively evaluate all <u>relevant</u> evidence and make non-biased credibility determinations
 - 3. Include non-biased, conflict free, trained Title IX/feam members

REVIEW



WHEN DEFINITION IS MET, CAN YOU PROCEED? – 34 CFR 106.30

- ► Formal Complaint A document <u>filed by the</u> <u>complainant</u> or <u>signed by the TIXC</u> alleging sexual harassment against a respondent requesting the school investigate
 - ► Complainant must be participating in or attempting to participate in an educational program or activity

RESPONSE WITH OR WITHOUT FORMAL COMPLAINT – 34 CFR 106.44

- ►Title IX Coordinator should promptly contact the complainant to:
 - discuss the availability of supportive measures,
 - ▶ consider their wishes, and
 - explain the process for filing a formal complaint
- ▶ Document, document, document!



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

WHEN DO TITLE XI SH GRIEVANCE PROCESSES APPLY? – 34 CFR 106.44

- ► When you have <u>actual knowledge</u> of <u>sexual harassment</u> in an <u>education program or activity</u> must respond in a way that is not deliberately indifferent
- ▶ You must:
 - 1. Treat complainants and respondents equitably
 - 2. Follow a 106.45 compliant grievance process BEFORE implementing disciplinary measures or other actions that are not supportive measures
- ► What if incident doesn't meet one or all parts of definition but still violates school policy?

MUST FOLLOW REGULATORY GRIEVANCE PROCESS!!

- ▶ Grievance processes must:
 - 4. Make no presumptions as to responsibility
 - 5. Include reasonably prompt time frames
 - Include filing and resolving appeals, informal resolutions processes, and any allowances for temporary delay of processes
 - 6. Describe possible disciplinary sanctions and remedies
 - 7. State the standard of evidence to be used and apply same standards for complainants against students and employees

RESPONSE UPON RECEIPT OF FORMAL COMPLAINT – 34 CFR 106.45

- ▶ Grievance processes must:
 - 8. Include procedures and allowed reasons for appeal
 - ► Highly recommend limited allowances
 - Describe the range of <u>supportive measures</u> available for both parties
 - 10. Not require, allow or rely upon questions or evidence that is legally protected unless the legal protection is waived
 - ▶ Medical records, discussions with clergy or counselors, etc.

WHAT QUESTIONS OR CONCERNS HAVE ARISEN FOR YOU THIS MONTH?

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