TITLE IX GRIEVANCE PROCEDURE FLOWCHART

ACTUAL KNOWLEDGE

*Any employee who has either witnessed or was informed of an allegation of sexual harassment.

*Title IX Coordinator receives allegation of violation of Title IX

TITLE IX COORDINATOR INTAKE

*Supportive Measures

*Review Grievance Procedure (and definitions)

*Describe option of and how to file a formal complaint

*Document, among other things, the three bullets above.

*Emergency Removal/Administrative Leave

NO FORMAL COMPLAINT FILED

Title IX Coordinator may forward to the Principal or appropriate Supervisor to be addressed under the Code of Conduct or Employee policies/handbook, rather than Title IX

FORMAL COMPLAINT FILED

INFORMAL RESOLUTION

*Each party must give voluntary, written consent.

*Not available for allegations of employee misconduct against a student.

INVESTIGATION

*Written notice of allegations to all parties, notice of grievance process and rights

*Burden is on the LEA to gather evidence sufficient to make a determination

*Written notice of steps and provide same opportunities for both parties to produce evidence

*All evidence/interview notes presented to each party/advisor

*10 days to inspect and review. Parties have opportunity to respond in writing.

*Investigator sends final report to parties, parties have at least 10 days to respond before determination.

MANDATORY DISMISSAL

*Not an education program or activity

*Conduct not Sexual Harassment (per Title IX)

*Conduct occurred outside the jurisdiction of Title IX

PERMISSIVE DISMISSAL

*Complainant withdraws complaint

*Respondent no longer affiliated with LEA

*Evidence unavailable

DETERMINATION REGARDING RESPONSIBILITY

*Decision-maker utilizes preponderance of the evidence standard.

*Written determination must include identification of allegations, Procedural steps taken, finding of fact supporting determination, conclusions, and a statement of, and rationale for, the result as to each allegation, procedures and permissible bases for appeal.

*If allegation is founded, then propose penalty phase (sanctions) and potential remedies.

*Provide written determination to the parties simultaneously.

APPEAL OF FORMAL COMPLAINT DISMISSAL

*Procedural Irregularity that affected the outcome

*New Evidence that affected the outcome

*Conflict of Interest that affected the outcome

PENALTY/DISCIPLINE

*Code of Conduct

*CBA

*Applicable laws, ED § 7-305, 6-202, 4-205.)

APPEAL OF DETERMINATION OF RESPONSIBILITY

*Procedural Irregularity that affected the outcome

*New Evidence that affected the outcome

*Conflict of Interest that affected the outcome