BRACKETT & ELLIS, P.C.

ATTORNEYS AND COUNSELORS

# TITLE IX REGULATIONS - 2024 REFRESH

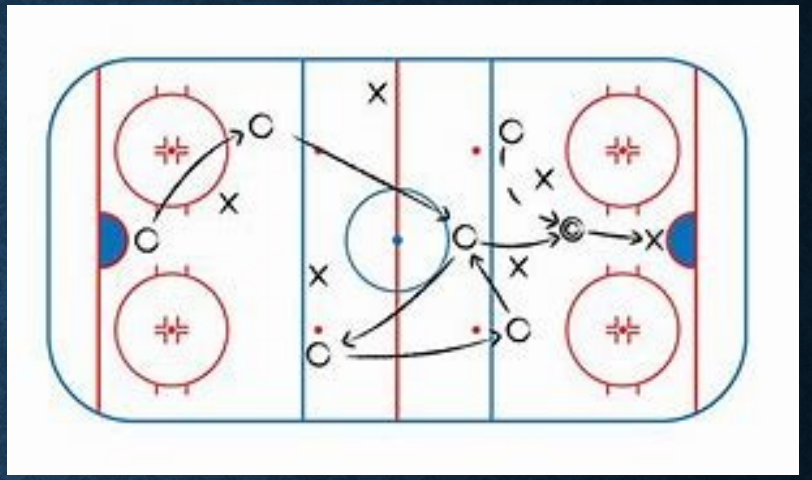



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# DEFINITIONS



- Complainant = Alleged victim
- Respondent = Accused
- Parties = Complaint and Respondent
- Education Program or Activity
  - Locations, events, or circumstances over which the school exercises substantial control over both the respondent and the context in which the alleged sexual harassment occurred
  - Broad, Broad, Broad
  - Control ***not*** location

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# RESPONDENT

- Volunteer?
- Recruiter on campus?
- Group leaders (pastors)?




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# SEXUAL HARASSMENT

Conduct **on the basis of sex** that satisfies one or more of the following:

- A school employee conditioning education benefits on participation in unwelcome sexual conduct (i.e. ***quid pro quo***)
- **Unwelcome conduct** determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity
- **Federal Crimes**: Sexual assault (Clery Act), dating violence, domestic violence, or stalking (Violence Against Women Act (VAWA))

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# ON THE BASIS OF SEX

It might be sexual harassment if…

changing the alleged victim's sex would have yielded a different choice by the accused



# UNWELCOME CONDUCT – MULTISTEP

1. Did the **behavior** occur?

2. Was it **subjectively** unwelcome?

3. Was it **objectively** offensive (reasonable person standard)?

4. Was it so severe, pervasive, and objectively offensive that complainant was **denied access**?

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# ZERO TOLERANCE

- The behavior, by itself, is enough to establish sex discrimination
- Applies to
  - Quid Pro Quo
  - Federal Crimes



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## Quid Pro Quo

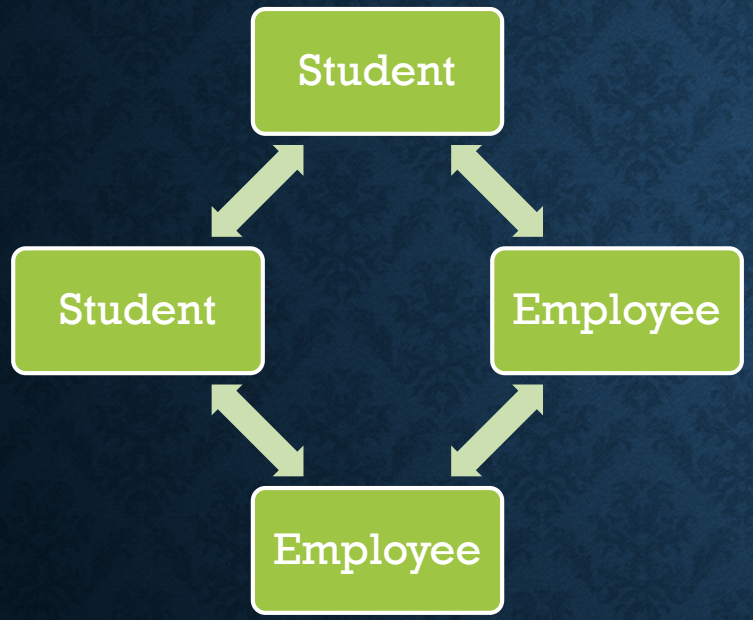
An employee of the school conditioning the provision of an aid, benefit, or service of the school on an individual's participation in unwelcome sexual conduct.

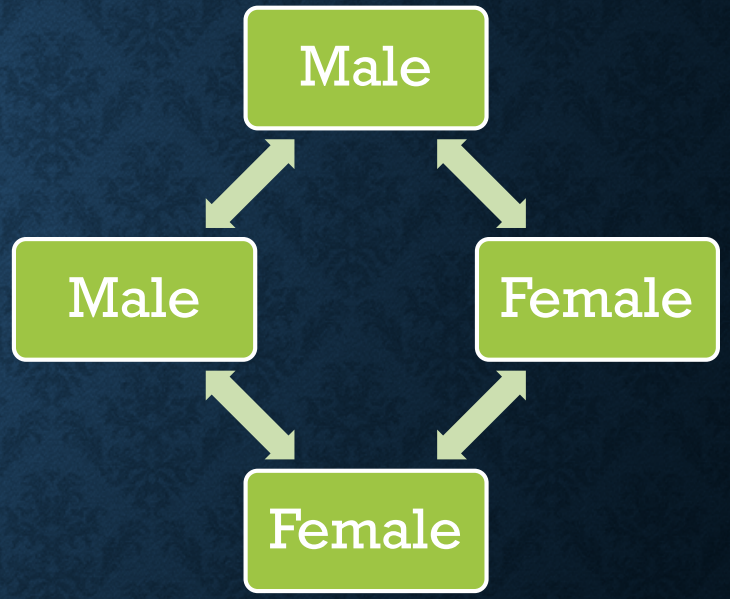
## Federal Crimes

1. Sexual Assault
    a) Rape
    b) Fondling
    c) Incest
    d) Statutory Rape
2. Dating Violence
3. Domestic Violence
4. Stalking

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# MYTH BUSTING




- Homosexual
- Gender Identity
- Transgender

Focus on the behavior – not the label

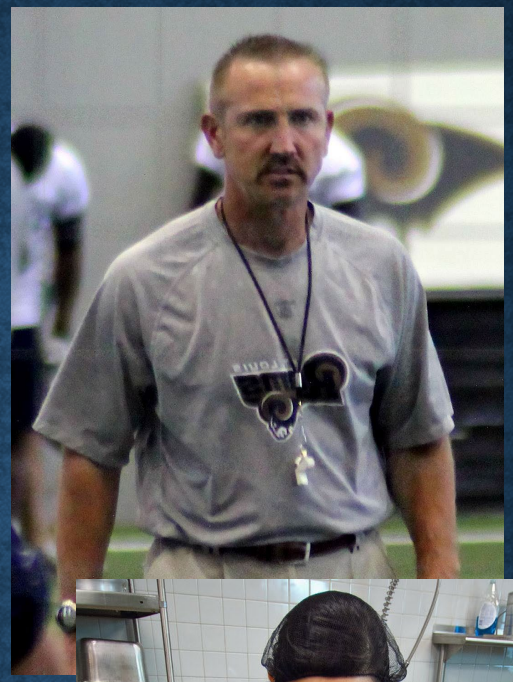
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# REPORT OF SEXUAL HARASSMENT

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# ACTUAL NOTICE

- Information or allegations
- Reach
  - Title IX Coordinator
  - Official with Authority to Correct
  - K-12 = ***Any*** employee of an elementary or secondary school
- Educate Your Campus Staff









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# RESPONSE TO REPORT

- Title IX Coordinator promptly contacts alleged victim
  1. Supportive measures
  2. Explain Formal Complaint Process
  3. Supportive measures **not** contingent on Formal Complaint




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# FILE FORMAL COMPLAINT?

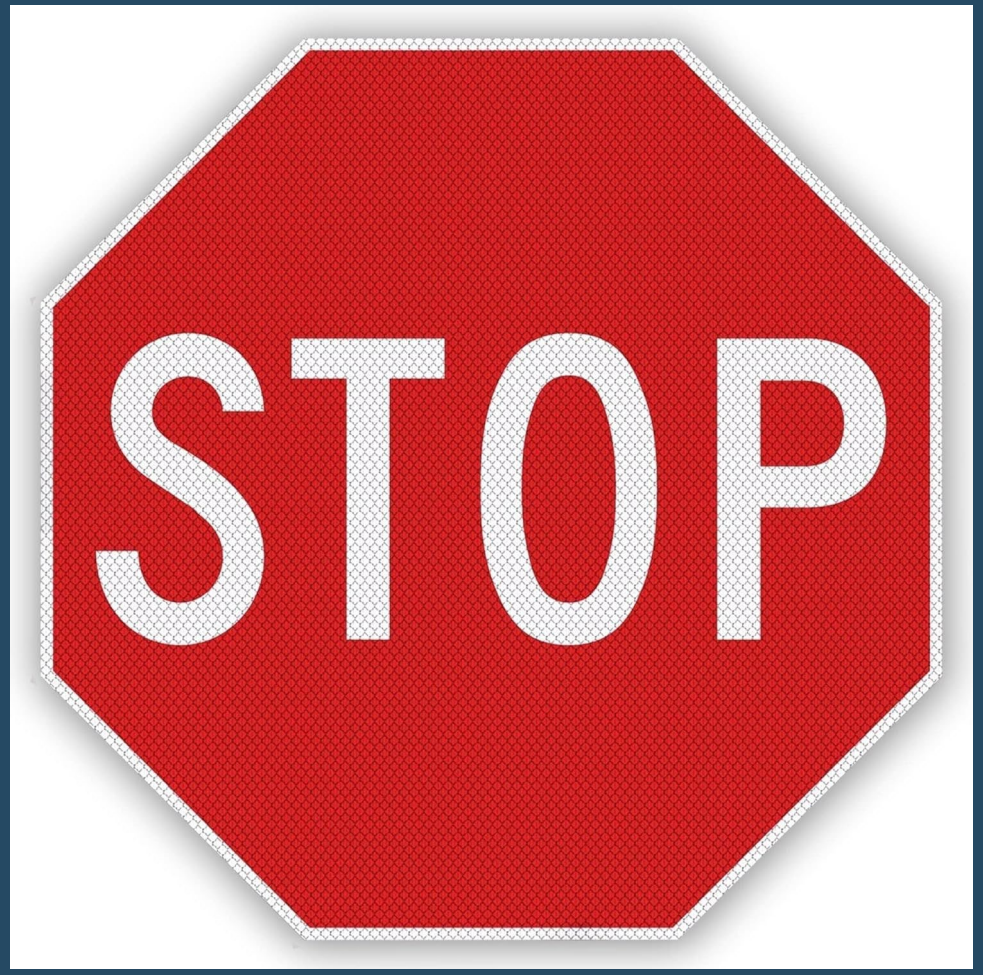
- Not necessary for investigation
- Investigation may take awhile
- No additional consequences

What if Respondent Admits to the conduct?

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# REPORTING REQUIREMENTS?

- Law Enforcement
- State Board for Educator Certification
- Child Protective Services
- Parents
  - Best practice
  - Bullying




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# TEXAS EDUCATION CODE §21.0061 NOTICE TO PARENTS

- Provide to parent or guardian of a student with whom an educator is alleged to have engaged in the following misconduct:
  - Abused or otherwise committed an unlawful act with a student or minor;
  - Was involved in a romantic relationship with or solicited or engage in sexual contact with a student or minor
- As soon as feasible after become aware alleged misconduct may have occurred

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# SUPPORTIVE MEASURES - OVERVIEW




- Individualized to the Complainant
- Designed to restore or preserve equal access to education program or activity
- Not unreasonably burden the other party
  - Non-disciplinary
  - Non-punitive
- Protect safety of all parties or educational environment or deter sexual harassment
- Title IX Coordinator responsible for effective implementation
- Confidential to extent it does not impair provision of the measures

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# SUPPORTIVE MEASURES – EXAMPLES

- Stay Away Agreement
- Counseling
- Course-related adjustments (deadline extensions)
- Modifications of work or class schedules
- Campus escort services
- Increase in security and monitoring of certain areas of campus
- Mutual restrictions on contact between the parties
- Changes in work or housing locations
- Other similar measures.



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# SUPPORTIVE MEASURE - ONGOING PROCESS

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# EMERGENCY REMOVAL - STUDENT

- Generally **not** appropriate
- To remove student prior to determining responsibility
  - Conduct individualized safety and risk analysis
  - Determine emergency removal necessary to protect a student or other individual from immediate threat to physical health or safety; and,
  - Provide respondent notice and opportunity to challenge.



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# EMERGENCY REMOVAL - EMPLOYEE

- a/k/a Administrative Leave
- Appropriate Supportive Measure when Respondent is Employee
- Use with caution!
  - Can't restrict communication
  - Potential out a long time while process followed



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# NON-EMPLOYEE RESPONDENT

- GKA(LEGAL)(LOCAL)

- Refusal of Entry or Ejection - Trespass



- "Person poses a substantial risk of harm to any person"
  - No verbal warning required
  - Must provide written information on appeal process
  - Must accommodate parent or guardian's rights

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# GRIEVANCE PROCESS

- Starts with Formal Complaint
- Process published on website
- Specific characterizations
- Specific steps



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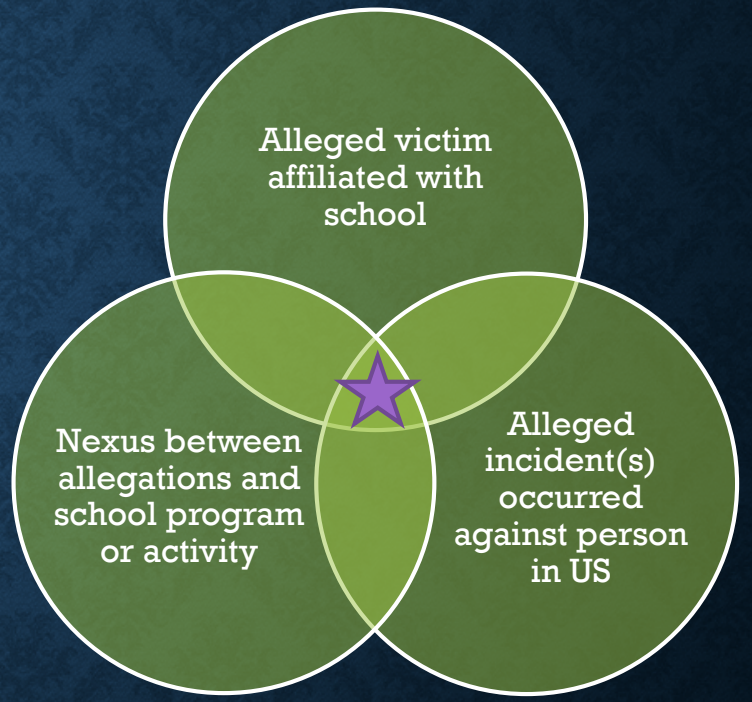

# FORMAL COMPLAINT

- Signed by Complainant, Parent, or Title IX Coordinator
  - with Title IX Coordinator
  - In person, by mail or by electronic mail
  - School can provide additional methods (must provide for signature)
- At time filed, complainant must be affiliated with school
- There is no time limit or statute of limitations

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# DISMISSAL

- Mandatory
  - Not sexual harassment
  - Did not occur in school's program or activity
  - Not against a person in the US
- Permissive
  - Complainant withdraws complaint/allegations
  - Respondent's enrollment or employment ends
  - School cannot complete investigation
- Written notice of dismissal
- Code of conduct violation




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# EMPLOYMENT ENDS

- May dismiss Title IX Formal Complaint.

- Shall complete investigation educator may have engaged in reportable misconduct (TEC §21.006(c)).

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# NOTICE

- Written to all known parties
- Content
  - Information on sexual harassment
    grievance process
  - Summary of allegations
  - Statement Respondent presumed not responsible
  - Right to have advisor
  - Right to inspect and review evidence
  - Code of Conduct regarding False statement/information
- Supplement




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# CONFIDENTIALITY

- ❑Cannot keep Complainant's name confidential
- ❑All evidence shared with parties
  - Witness ~~names~~ information - bias
  - What witnesses said
- ❑Cannot prohibit Respondent from discussing




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# INVESTIGATOR



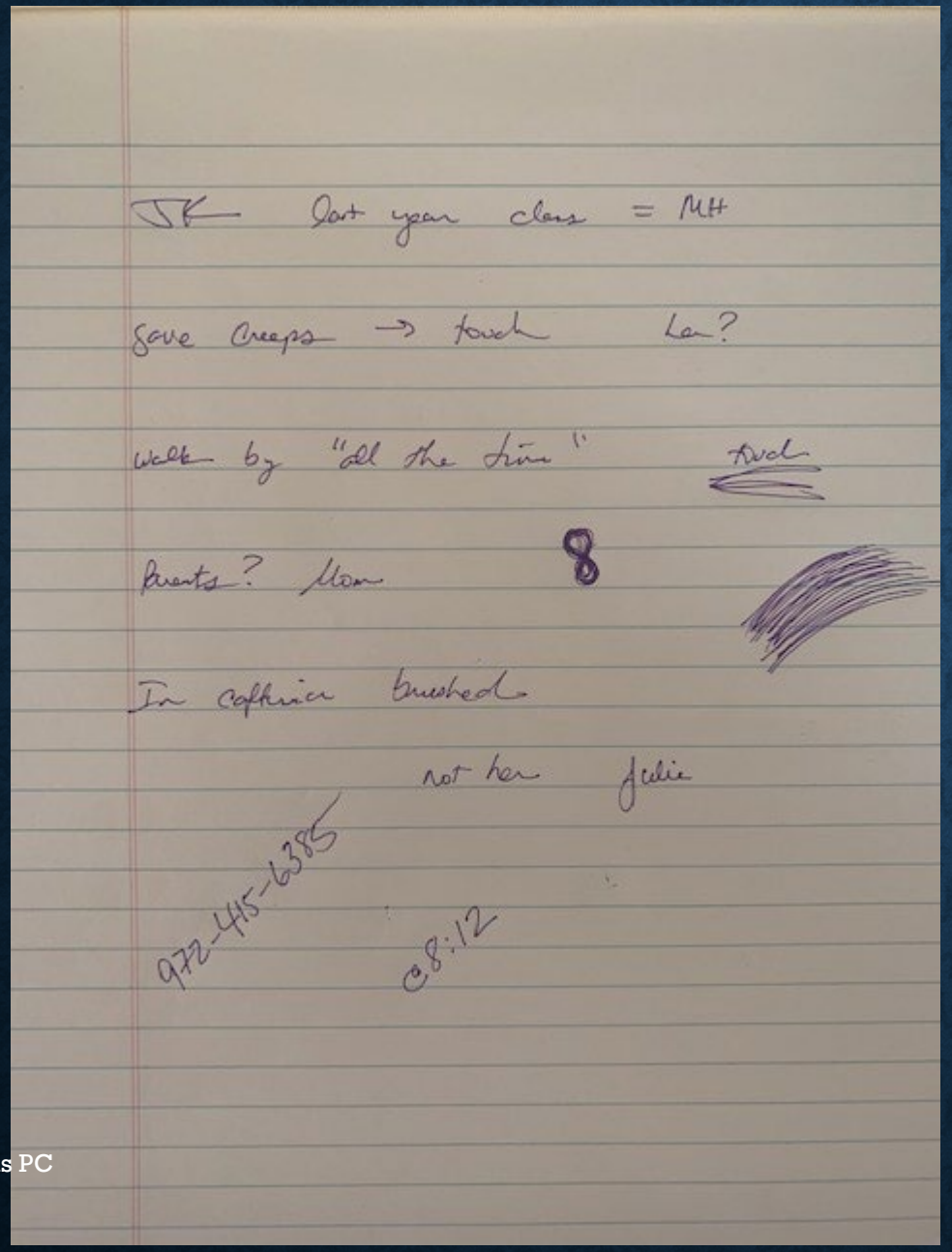
- Free of conflict of interest and/or bias
  - Generally
  - Specifically
- Understand role
- Trained in all Title IX responsibilities

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# OUTSIDE INVESTIGATOR

- Person accused is among senior leadership
- Questions raised regarding bias of
  - Title IX Coordinator
  - Investigator
  - School's process
- To ensure prompt response
- Need expertise or resources for large or complex investigation

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# A NOTE ABOUT NOTES

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# INVESTIGATION

- Consistent, Reliable, & Predictable
- Specifics vary depending on
  - Nature of allegations
  - Age of students involved
  - Willingness of witnesses
- Includes
  - Selection of Investigator
  - Develop Plan
  - Collect Evidence
  - Evidence Review
  - Written Report



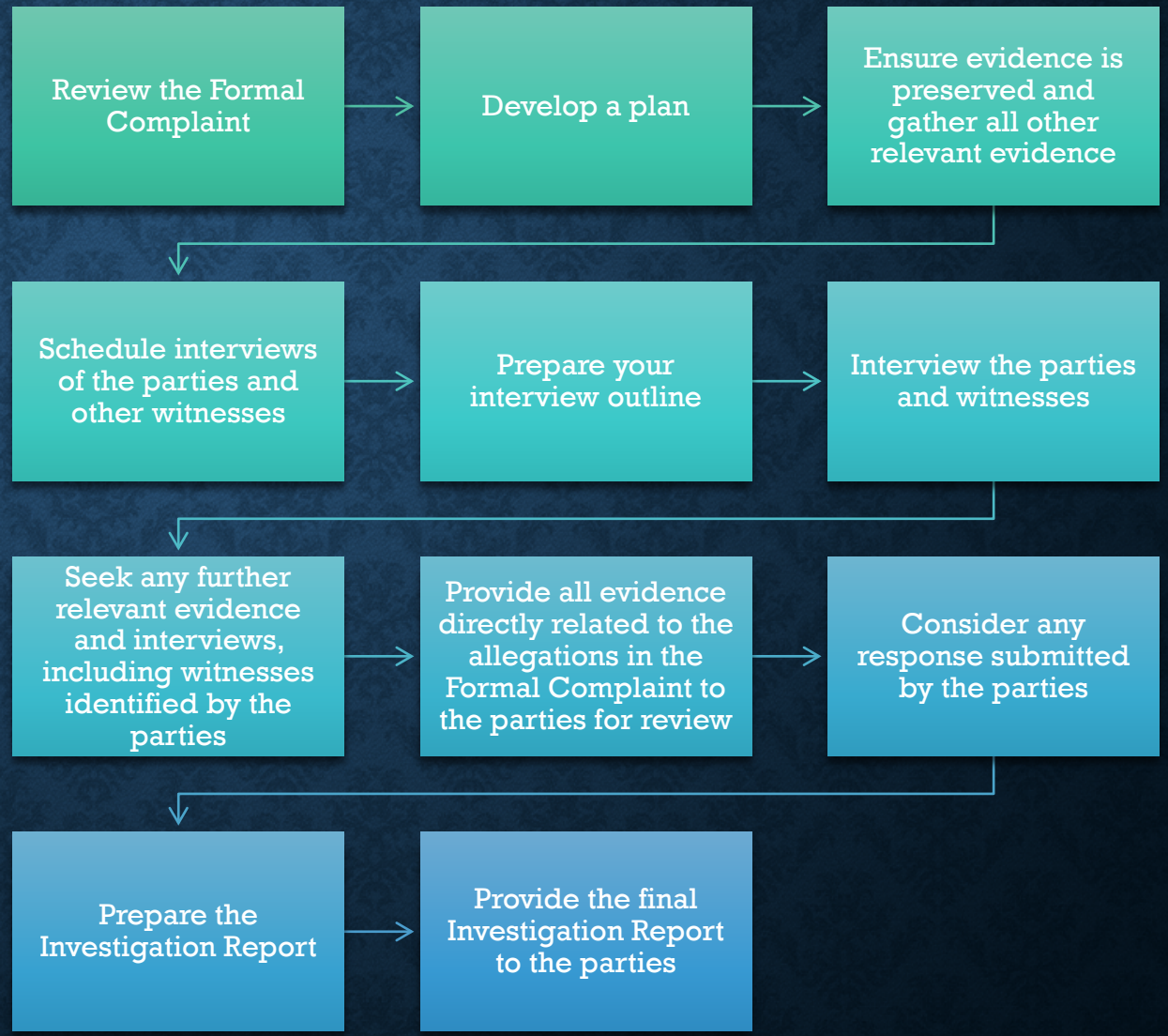

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# THE INVESTIGATION

- You must investigate all Formal Complaints (except those that are dismissed for mandatory or discretionary grounds)

- All investigators must be trained regarding the 2020 Amendments to the Title IX regulations.

# INVESTIGATION PROCESS



# INVESTIGATION PRINCIPALS

- Treat the Complainant and Respondent equitably
- Objectively evaluate all evidence
- Ensure the investigator has no conflict of interest
- Remember the Respondent is presumed not responsible
- The investigation must be conducted within a reasonably prompt time frame

# TIME FRAME




- The investigation must be conducted within a reasonably prompt time frame
  - Investigation Report should be finalized and provided to both parties within 45 days from signing of Formal Complaint
  - Delays only for good cause - law enforcement investigations, party or witness absences, or providing disability accommodations

# EVIDENTIARY STANDARD

- Preponderance of the evidence
  - A fact is more likely than not to be true
  - Probability of truth is greater than 50%
  - Where the evidence is 50/50, the result is a determination that the Respondent is not responsible
- Must use the same standard of evidence for all complaints against students and employees



# STEP 1: REVIEW THE FORMAL COMPLAINT

- What type of complaint is it?
- What is the conduct alleged?
- Does the conduct, if proven, constitute sexual harassment?
- Who are the parties involved?
- Does the Formal Complaint identify any evidence that may need to be quickly gathered and preserved?

# STEP 2: DEVELOP A PLAN

- What District policies, procedures, handbooks, etc. are implicated by the Formal Complaint?
- Who are the persons with knowledge of relevant facts or who may have evidence?
- What evidence will be necessary to complete a thorough investigation?
- Do I have a conflict of interest?

# STEP 3: IDENTIFY AND GATHER EVIDENCE



**Identify possible evidence**

This includes documents, emails and email accounts, audio and video recordings, photographs, text messages, social media content, clothing, seating charts, etc.



**Locate and take control or possession of relevant evidence**



**Preserve evidence/store in secure location**

# EVIDENCE

The burden to gather evidence belong to the school district

Equal opportunity for each party to present inculpatory and exculpatory evidence

# THE EVIDENCE MUST BE RELEVANT

- Evidence is relevant if:
  - It has a tendency to make a fact more or less probable than it would be without the evidence and
  - The fact is of consequence in determining the matter
- It tends to prove or disprove the matter

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# LIMITATION ON GATHERING EVIDENCE AND SEARCHES

Employee belongings → if there is a reasonable belief you will locate evidence of misconduct

Student belongings → if there is a reasonable suspicion you will locate evidence of a Code of Conduct violation and the scope is reasonable based on age and sex

SEEK CONSENT FIRST

# PRIVILEGED INFORMATION

- Information protected by a legal privilege may only be used during an investigation if the privilege is waived in writing by the person holding the privilege
  - Attorney- Client
  - Physician-Patient
  - Psychotherapist-Patient



# DOCUMENT THE GATHERED EVIDENCE

- Prepare an evidence log
- Identify and describe each piece of evidence
- Identify the source from which you obtained the evidence
- May include a section regarding whether the evidence is relevant (or not)

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# STEP 4: SCHEDULE INTERVIEWS

- Determine a logical order of interviews
- Schedule the interviews and provide written notice to the parties regarding the interviews
- Determine whether any follow-up interviews are necessary. If so, schedule additional witness interviews.

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# INTERVIEWS

- The District cannot require a party or witness to participate in an interview

- The District cannot discipline for nonparticipation

# WRITTEN NOTICE OF INTERVIEWS




- Provide written notice of party interviews, providing sufficient time for to prepare
- Include:
  - The date and time of the interview
  - Location of the interview
  - Participants of the interview
  - Purpose of the interview

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# THE ORDER OF INTERVIEWS




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# LOCATION OF INTERVIEWS



Choose a neutral location



Make efforts to ensure privacy



If the witness has an objection to the location, try to accommodate the witness



May use Zoom, Teams, etc., if necessary

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# CONFIDENTIALITY

- The District cannot restrict the parties' ability to discuss allegations or gather evidence

- But the District does have a duty to maintain confidentiality to the greatest extent possible

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# STEP 5: PREPARE YOUR INTERVIEW OUTLINE

- Prepare an opening statement to review during interviews
- Identify topics for inquiry
- Prepare an interview outline with topics for inquiry and essential questions
- Identify any relevant evidence used or gathered during interview

# OPENING STATEMENT

"I'm just happy to be here. Hope I can help the ball club."

- Crash

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# OPENING STATEMENT

1. Confirm voluntary participation of interview
2. Identify the purpose of the interview
3. Inform witness of the investigation process and provide instructions
4. Request evidence the witness has and advise witness to preserve any evidence
5. Advise witness to provide truthful information and that discipline could be issued for providing false information
6. Address the need for confidentiality, where possible
7. Advise that retaliation is prohibited

# PREPARE AN INTERVIEW OUTLINE

- Consider the key elements of a Title IX violation
  - Is the conduct on the basis of sex?
  - Is the conduct sexual harassment?
  - Was the conduct severe, pervasive, and objectively offensive?
  - Did the conduct occur within a District educational program or activity?
  - Was the Complainant denied equal access to an educational program or activity?

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# TIPS FOR GOOD QUESTIONS

- Keep the question open ended
- Don't start with leading questions
- Develop a timeline of events to guide your questions
- Don't forget the Who, What, When, Where, Why, and How
- Ask for additional witness and for any relevant evidence



# REMEMBER IT NEEDS TO BE RELEVANT

- **General Rule**: A Complainant's sexual history and prior sexual behavior is not relevant

- **Narrow Exceptions**:
  1. The evidence is offered to prove someone other than the Respondent committed the alleged sexual harassment

  2. The evidence relates to the sexual behavior between the Complainant and Respondent and is offered to prove consent

# There can never be consent between an employee and a student

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# DON'T FORGET

- The age and abilities of your witnesses
  - Consider the vocabulary you use
  - Use more direct questions with younger students
  - Be prepared to ask questions many different ways
  - Allow a support person, but establish ground rules
  - Establish a rapport
  - Do not criticize or praise answers

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# STEP 6: INTERVIEW THE PARTIES AND WITNESSES

- Stop and listen
- Let the witness tell their story
- Start with your open-ended questions and then follow up with more targeted questions
- Always end the interview by asking if there is anything else the witness thinks you need to know

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## DO

- Take all allegations seriously
- Make the witness feel safe
- Be neutral and open minded
- Listen
- Elicit all relevant facts
- Test the credibility of statements
- Ask probing questions
- Ask for supporting documentation and corroborating witnesses

## DON'T

- Make credibility determinations based on stereotypes or status
- Create an unwelcoming environment
- Have an agenda
- Conduct an interrogation
- Shy away from hard or uncomfortable questions
- Rush to judgment
- Be argumentative
- Do all the talking
- Be unprepared

# SHOULD I RECORD THE INTERVIEW?



- You can, but it presents some issues:
  - You must obtain parental consent to videotape or record a student
  - The recording is evidence you will need to provide to both parties
  - Sometimes confidential information is disclosed
- If you record one party, you should record the other party
- A party may record the interview, but, if they do, you will also need to record the video

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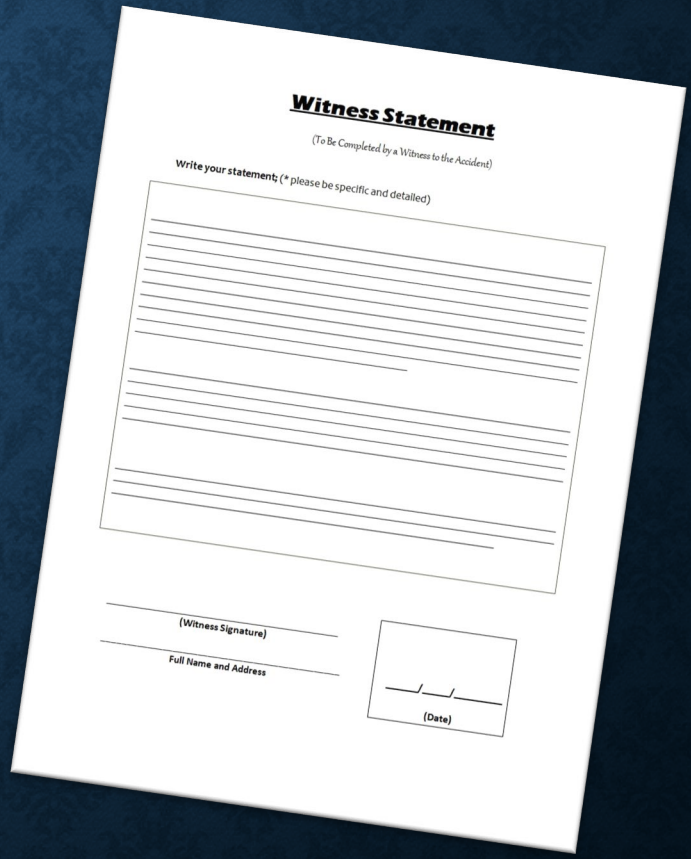
# RIGHT TO AN ADVISOR

- The Complainant and Respondent must be given the opportunity to select an advisor of their choice
- The advisor may be present at any meeting or interview during the investigation process
- The adviser may inspect and review the evidence



# WITNESS STATEMENT OR MEMORANDUM OF INTERVIEW?

- A witness statement is the strongest evidence
- But consider the age and abilities of the witness
- Prepare memorandums of interviews immediately after the interview
- May consider a combination of the two: prepare a witness statement for the witness to review, revise, and sign off on



# STEP 7: POST-INTERVIEW TASKS

- Review all memorandums of interviews, witness statements, and evidence gathered
- Determine whether any factual gaps exist and follow-up as necessary
- Access whether any allegations not in the Formal Complaint were received?

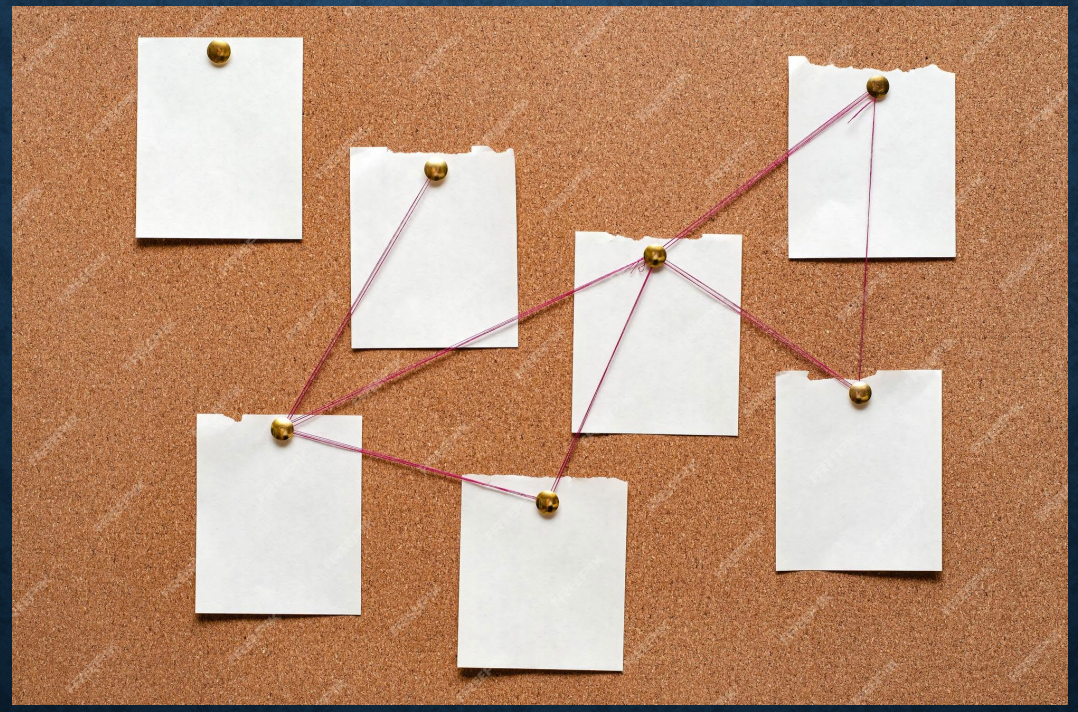
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# STEP 8: PROVIDE THE EVIDENCE TO THE PARTIES

- Send each party (and their advisors, if any) the evidence to inspect and review
- Only provide the evidence that is directly related to the allegations in the Formal Complaint
- The parties must be provided at least 10 days to review all of the evidence and submit written responses about the evidence
- Consider the parties' responses (if any)

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# STEP 9: EVALUATE THE EVIDENCE AND DRAFT THE INVESTIGATION REPORT



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# EVALUATING THE EVIDENCE

- Investigators must objectively evaluate all evidence
- Credibility determinations are not made by the investigator
- Remember, the Respondent maintains a presumption of not responsible during the investigation

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# PREPARING THE INVESTIGATION REPORT

- Summarize the allegations in the Formal Complaint
- Summarize the procedural steps taken to date
- Summarize the investigation, including who you interviewed and the documents you reviewed
- Summarize the witness interviews and relevant evidence
- Summarize any responses received by the parties
- Summarize any other issues, such as the explanation of any delay in the investigation
- Summarize the submission of the report to the parties

Remember, the purpose of the investigation report is to provide the decisionmaker with a fact-based summary based on relevant evidence. It is the basis for the District's subsequent decision.

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# ADDITIONAL TIPS

- Rely on facts, not opinions
  - Quote witnesses when possible
  - Identify specific actions/behaviors
  - Address the who, what, when, where, why, how
- Include all relevant facts
- Exclude extraneous facts
- Acknowledge conflicting evidence and provide facts that may inform a decisionmaker's creditability determinations
- Explain any decision to not interview certain witnesses or include certain evidence

# STEP 9: SEND THE REPORT TO THE PARTIES



Send the report to each party at the same time



Notify each party that they may submit a written response to the report



Provide the parties at least 10 days to submit a written response

# ALLOW FOR QUESTIONS

- After the District has sent the investigative report to the parties, the decisionmaker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness
- The decisionmaker must then provide each party with the answers and allow for additional, limited follow-up questions from each party
- The decisionmaker must explain any decision to exclude a question as not relevant

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# WHAT DO I DO IF LAW ENFORCEMENT IS INVOLVED?

- Keep investigating, unless law enforcement involvement requires delay of your investigation
- If it does, you must promptly resume your Title IX investigation once notified by the police that their investigation is complete
  - It does not relieve the school of its independent duty to investigate
- Provide notice of the delay to the parties

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# WHEN YOU GET THE CALL…



- Document all communications with law enforcement
- Ask law enforcement to put any request to delay the investigation in writing
- Ask law enforcement to notify you when you can proceed with your investigation
- Communication is key – follow up
- Regardless of law enforcement activity, consider the need for supportive measures

# THE WRITTEN DETERMINATION

- The decisionmaker must issue a written determination
- The investigator may not serve as the decisionmaker
- The Title IX Coordinator may not serve as the decisionmaker
- Decisionmaker must provide written determination to the parties simultaneously

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# THE WRITTEN DETERMINATION MUST INCLUDE:

1. Identification of the allegations potentially constituting sexual harassment

2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held

3. Findings of fact supporting the determination

4. Conclusions regarding the application of the district's code of conduct to the facts

## THE WRITTEN DETERMINATION MUST INCLUDE:

5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's education program or activity will be provided by the district to the complainant

6. The district's procedures and permissible bases for the complainant and respondent to appeal

# REMEDIES & DISCIPLINARY MEASURES

- The Title IX Coordinator is responsible for implementing any remedies
- Remedies
  - Can be same as supportive measures
  - Can be disciplinary and/or punitive
  - Designed to restore or preserve equal access
  - Only assigned or implemented after determination of responsibility
- Disciplinary Measures
  - Consistent with Code of Conduct
  - Consistent with grievance procedures

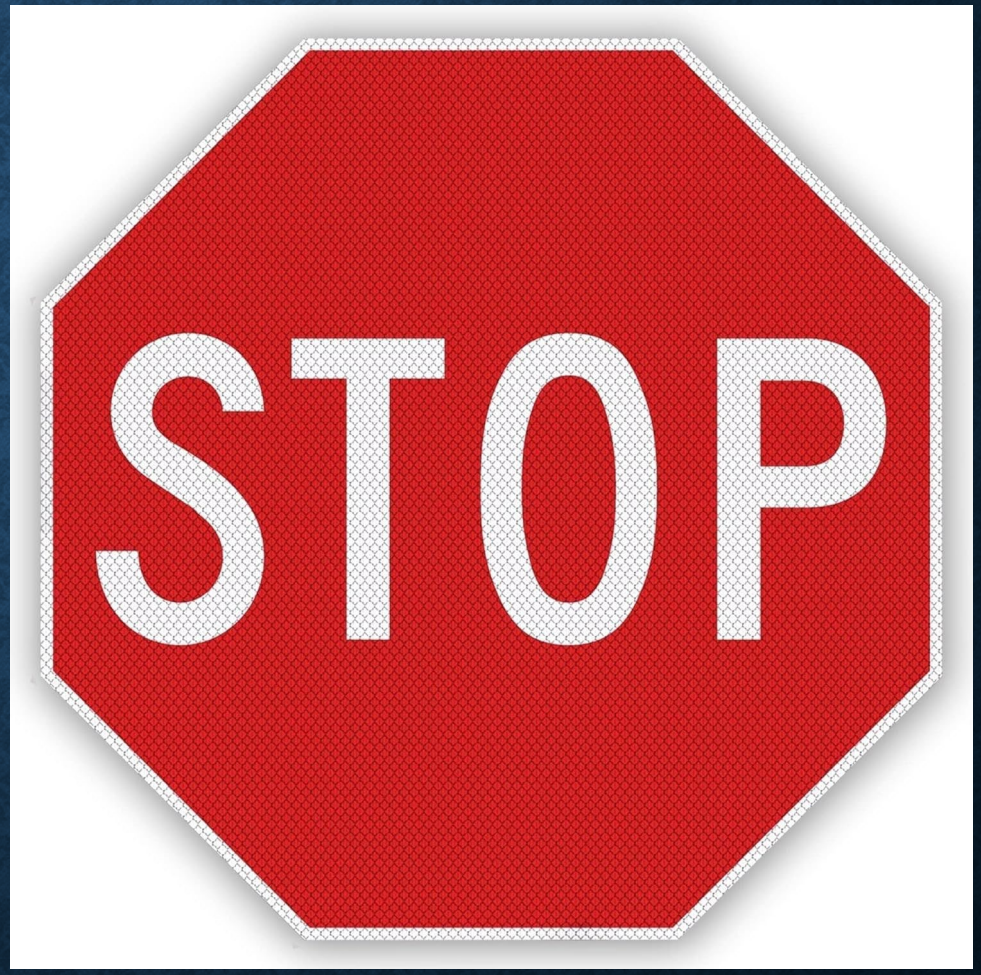
# NOW WHAT?

- Retain the investigative report, evidence, and written determination
- Consider whether an SBEC report is required
- Consider whether a CPS report is required
- Consider whether termination/non-renewal is necessary

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# REPORTING REQUIREMENTS?

- Law Enforcement
- State Board for Educator Certification
- Child Protective Services
- Parents
  - Best practice
  - Bullying




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# APPEAL

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- Must offer to both parties
- Required Grounds
  - Procedural irregularity
  - New evidence
  - Conflict of interest or bias
- School may offer additional grounds



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- If appeal filed, must provide written notice to all parties
- Equal opportunity to submit written statement
- Appeal decision-maker must be new to grievance process

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# RECORD KEEPING

- 7 years by regulations
- 48 years under Texas law
- May be supplemented



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# TRAINING

- Promote impartial investigations and adjudication
- Materials published and made available to parties
- All participating school personnel
- Types
  - Definition of Sexual Harassment
  - Scope of school's education program or activity
  - How to conduct an investigation and grievance process
  - How to serve impartially

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# RETALIATION



- **<u>Prohibited</u>**
- Retaliation includes: intimidation, threats, coercion, or discrimination
- Because individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation, proceeding, or hearing.
- Grievance procedures

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# EXAMPLE #1

Student One masturbating in bathroom stall at school. Student Two peeps over the stall and video records Student One's behavior and then sends the videos to friends.

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# EXAMPLE #2

Student One graduates. A week later, Student One posts a video on social media where he discusses raping specific individuals.

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# EXAMPLE #3

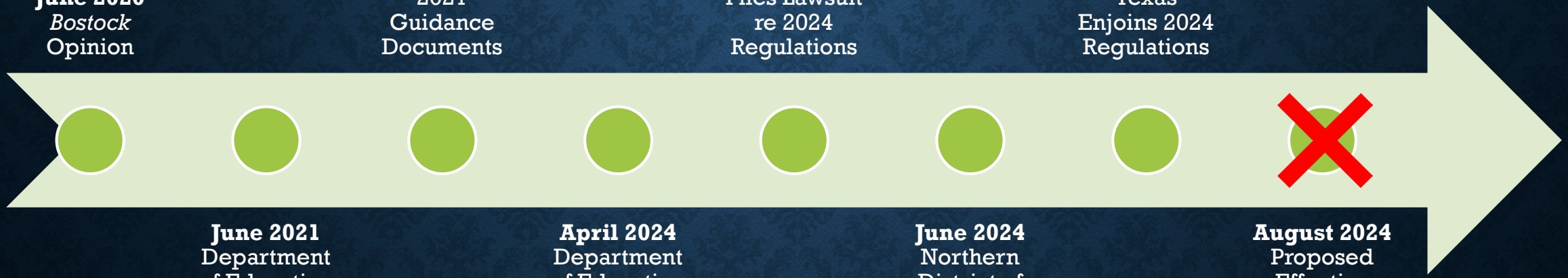
Student One joins the afterschool theater program. The other members of the theater program describe Student One as very friendly, touchy, and in your space. You talk to Student One who agrees their behavior is very friendly, touchy and not particularly respectful of personal space.

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# 2024 REGULATIONS

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# TITLE IX TIMELINE



# WHAT TO DO?

According to the Office for Civil Rights and the Texas Education Agency, school districts should continue to implement the 2020 Regulations while the preliminary injunction blocking implementation of the 2024 Regulations is pending.

**But** the 2024 Regulations Are Not All Bad . . .

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# YOU CAN . . .

# AND MAYBE SHOULD

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# 1. ADOPT THE EXPANDED DEFINITION OF HOSTILE ENVIRONMENT IN SEXUAL HARASSMENT CONTEXT: OR NOT AND

**2020 Regulations**

"Unwelcome conduct determined by a reasonable person to be so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access . . ."

**2024 Regulations**

Unwelcome conduct, "based on the totality of the circumstances, is subjectively and objective offensive and is so severe **or** pervasive that it limits **or** denies a person's ability to participate in **or** benefit from . . ."

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# 2. WITHHOLD WITNESS NAMES

**2020 Regulations**

- Apparent Conflict
- Parties inspect and review evidence
- Keep identity of witnesses confidential

**2024 Regulations**

- Prohibits disclosure of personally identifiable information
- Except
  - Parent/guardian
  - To carry out purpose
  - Required by law

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# 3. PROVIDE REASONABLE ACCOMMODATIONS TO PREGNANT EMPLOYEES AND STUDENTS

**2020 Regulations**

- No discrimination against or exclude from
- Pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom
- Treat as temporary disability
- Pregnancy leave

**2024 Regulations**

- No discrimination against or exclude from
- Current, potential, or past pregnancy or related conditions
- Treat as temporary medical condition

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# 4. PROVIDE TITLE IX NOTICE TO PREGNANT STUDENTS

- 2020 – nondiscrimination
- 2024 – nondiscrimination plus notice
- Notice
  - To Students
  - Title IX Coordinator's contact information
  - Title IX Coordinator can coordinate accommodations
  - Student has legal right to reasonable modifications

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# 5. CONSULT WITH MEMBER OF STUDENT'S IEP TEAM

**2020 Regulations**

- No independent requirement
- Relied on existing law

**2024 Regulations**

- If K-12 Student with disability
- Title IX Coordinator required
- Consult with one or more members of student's IEP or 504 team
- Regarding compliance with IDEA and 504

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# 6. TRAIN STAFF ANNUALLY ON TITLE IX

## 2020 Regulations

"[a] recipient must ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment," the scope of the recipient's education program or activity, how to conduct an investigation and grievance process, and how to serve impartially.

## 2024 Regulations

Training "related to their responsibilities," but also specifies the training must occur "promptly upon hiring or change of position, and annually thereafter."

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# DO NOT!!!

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# DO NOT EXPAND THE DEFINITION OF SEX

- 2024 Regulations define sex to include: “sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.”
- 2020 Regulations do not define “on the basis of sex.”

**DO** continue to protect students and employees and investigate claims that may otherwise violate the school’s policies, including anti-bullying and anti-discrimination policies.

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# DO NOT ADOPT *DE MINIMUS* STANDARD

- 2024 Regulations, where different treatment of the sexes is permitted, "a recipient may not carry out such different treatment in a manner that subjects a person to more than de minimis harm," and "a policy or practice that impedes participation consistent with a person's gender identity subjects a person to more than de minims harm on the basis of sex."
- 2020 Regulations do not contain a comparable provision.

**DO** engage in the interactive process and provide accommodations for students and staff, so long as the requested accommodations are reasonable under the totality of the circumstances. Meet with the student, employee, and family members as appropriate, and develop a plan.

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# DO NOT EXPAND INFORMAL RESOLUTION PROCESS

- 2024 Regulations allow informal resolution in all issues of alleged sex discrimination.
- 2020 Regulations only allowed for it when a formal complaint of sexual harassment was filed.

**DO** continue to provide an informal resolution process (to the extent you have one) if a formal complaint of sexual harassment has been filed.

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# Questions???



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