

INITIAL DISTRICT SCREENING OF REPORTS OR COMPLAINTS OF SEXUAL HARASSMENT

113-Rule 3

Any time a District Title IX Coordinator has notice of sexual harassment or allegations of sexual harassment that, if substantiated, would be prohibited by any law or by any applicable District policy, rule, or code of conduct, including as a result of receiving any report or complaint, the Title IX Coordinator is expected to promptly screen the information provided by the person(s) who originated the report or complaint and make the following determinations:

1. Whether the report, complaint, or other information, taken at face value, either (1) alleges conduct that could plausibly constitute unlawful **sexual harassment under Title IX**; or (2) reasonably purports to be, or appears to qualify as, a **formal complaint of unlawful sexual harassment under Title IX**.
 - a. If so, the District shall process the report or complaint under the District rule/procedure that establishes the "District Response to Alleged Sexual Harassment under Title IX." In addition, the Title IX Coordinator is expected to make reasonable efforts to coordinate with other appropriate District officials regarding:
 - i. Any related disciplinary processes that may have been (or may soon be) initiated, including determining whether it may be necessary or appropriate to delay such related processes;
 - ii. Any potential decisions regarding administrative leave (for an employee) or emergency removals, as further provided under the Title IX regulations; and
 - iii. Whether any of the circumstances or allegations known by the District raise any issues or concerns that are sufficiently independent of the Title IX sexual harassment allegations such that the District may or must pursue a separate response or intervention.
 - b. If not, continue with the subsequent determinations in this list.
2. Whether the report, complaint, or other information, taken at face value, alleges conduct or circumstances that could plausibly constitute **some form of unlawful discrimination (including unlawful harassment) other than sexual harassment under Title IX**.
 - a. If so, the District shall process the report or complaint under the appropriate discrimination complaint procedures and/or other procedures, as established separately from this rule. In addition, the Title IX Coordinator is expected to make reasonable efforts to coordinate with other appropriate District officials regarding:
 - i. Any related disciplinary processes that may have been (or may soon be) initiated, including determining whether it may be necessary or appropriate to delay such related processes; and

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- ii. Whether any of the circumstances or allegations known by the District raise any issues or concerns that are sufficiently independent of the alleged discrimination such that the District may or must pursue a separate response or intervention.
- b. If not, continue with the subsequent determinations in this list.
- 3. Whether the report, complaint, or other information, taken at face value, alleges (1) conduct or circumstances that could plausibly constitute a **violation of District policy or District rules**, including but not limited to any rules, directives, or expectations set forth for students or employees; or (2) conduct that may be inappropriate and that would be a legitimate subject of supervisory/administrative inquiry and possible intervention.
 - a. If so, the District shall either inform the person(s) who originated the report or complaint of their options for proceeding or directly route the report or complaint for appropriate further processing, which may or may not relate to any established complaint/grievance procedure.
 - b. If not, the District shall inform the person(s) who originated the report or complaint that (1) the District was not able to discern a basis for proceeding or has determined that the person has attempted to report an issue or raise a concern that does not appear to be amenable to resolution through established District procedures; and (2) the District was not able to discern another basis for proceeding on the report or complaint.

The determinations called for in this initial screening procedure may be made acting in consultation as needed with the District Administrator or District legal counsel. If a designated Title IX Coordinator is unavailable, or if a report or complaint alleges that the Title IX Coordinator engaged in or was responsible for the conduct/action, then an alternate Title IX Coordinator (if any has been designated), or the District Administrator or his/her appropriately-qualified designee shall conduct the initial screening called for in this rule.

When determining if a written or electronic submission reasonably purports to be, or appears to qualify as, a formal complaint of sexual harassment under Title IX, the Title IX Coordinator may contact the filing party to correct any minor technical deficiencies in the filing, or to confirm that the filing party is currently participating in or attempting to participate in the education program or activity of the District. The Title IX Coordinator may also request sufficient clarification of the basic allegations so that the District is able to (1) make any initial determinations with respect to the Title IX standards for dismissal of allegations in a formal complaint; and (2) if applicable, provide adequate notice to the respondent of the allegations presented in a formal complaint. However, the purpose of any such initial contact with the filing party shall not be to conduct an investigation into the merits of the allegations or to evaluate the strength or weakness of the filing party's evidence.

This rule is intended to provide general guidance in connection with the initial screening of reports or complaints of possible sexual harassment. The rule reflects a typical analysis, yet still involves the application of professional judgment. It is not a rigid workflow that can be applied

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without sensitivity to potentially overriding facts or circumstances or in a manner that necessarily yields only one reasonable analysis.

Nothing in this rule diminishes the District's obligations to respond to Title IX sexual harassment or allegations of Title IX sexual harassment in a prompt manner that is not deliberately indifferent under all circumstances in which the federal regulations deem the District to have actual knowledge of such harassment. Further, after the initial screening expressly contemplated by this rule, the District retains obligations to (1) continue to evaluate the known and alleged circumstances as they develop or change; and (2) appropriately adjust the District's response pursuant to applicable legal and/or policy-based standard(s).

Adoption Date: