Title IX Formal Resolution Process for Employees At-A-Glance

I. INTAKE

☐ Complainant makes a report to Senior Official (complaints against students, Dean of Students; complaints against faculty, Dean of the College; complaints against staff, Assistant VP of Human Resources or, in any case, the Title IX Coordinator).

☐ Complainant or College has decided to proceed with a complaint.

☐ Initial Title IX assessment (i.e. interview with Complainant or written summary from Complainant) leads to Senior Official determining threshold is met for further investigation and adjudication.

☐ If the Senior Official determines threshold not met, Complainant can appeal to the designated appeal officer (complaints against students, AVP of Student Affairs; complaints against staff, Vice President for Finance; complaints against faculty, President)

II. INVESTIGATION

a. Notice of Investigation

☐ Complainant is notified that Respondent** will be contacted.

☐ Respondent is notified of investigation, which includes a brief summary of the issue and relevant information, plus a request for an interview with the investigator within 5 business days; failure of Respondent to participate or respond will not delay the process.

☐ Both receive requests for witness names and all exhibits/evidence; both are reminded retaliation is prohibited; both are reminded of support resources and the right to a support person of their choice.

b. Investigation

☐ Complainant is interviewed; a summary is written

☐ Respondent is interviewed; a summary is written

☐ Relevant witnesses are interviewed; summaries are written

☐ Audio recordings may be made during interviews; they are kept in the Title IX conduct file; transcripts of the interviews are created by the investigator and are exhibits in the report.

☐ Complainant and Respondent and witnesses are asked to provide all correspondence with other parties that relates to the case.

☐ Preliminary investigative report and supplemental materials are made available to both parties.

 c. Preliminary Investigative Report

☐ Complainant interview summary/ies and addenda and transcripts.

☐ Respondent interview summary/ies and addenda and transcripts.

☐ Witness interview summary/ies and addenda and transcripts.

☐ Exhibits and evidence.

☐ Policy violation(s) that are being alleged.
Sent to both Complainant and Respondent; written response due in 5 business days.

Final opportunity to name additional witnesses or submit additional evidence.

Proceedings may be delayed if additional investigation is necessary.

d. Final Investigative Report

All summaries, addenda, transcripts, exhibits plus responses from preliminary investigative report.

III. ADJUDICATION

a. Adjudication

The final investigative report will form the basis for the Senior Official or an outside adjudicator to make decisions and recommendations.

The final investigative report may include a finding of violation or no violation of the policy based on a preponderance of the evidence.

Any action taken against a faculty or staff member will be consistent with applicable employment contracts, collective bargaining agreements, and faculty/staff handbook.

b. Notice of Outcome

Senior Official sends Notice of Outcome letter to Respondent and Complainant simultaneously.

Includes (policy violation(s), findings of responsibility on policy violations, and appeal process (including deadlines).

The Notice of Outcome is sent to the Title IX Coordinator and other relevant staff who need to know.

c. Appeal

Appeals are due within 5 business days of Notice of Outcome to the Associate Vice President for Student Affairs or designee.

An appeal starts a new time clock and extends the process.

Both or either Complainant and Respondent can appeal on two grounds: new information or material procedural error.

The Appeal Officer or designee will accept or deny the appeal within 5 business days of receipt of the appeal.

If accepted, the other party(ies) to the case are given the opportunity to respond within 5 business days of acceptance of the appeal.

The Appeal officer or designee will make a decision within 10 business days of receiving responses to the appeal.

Appeal decision is final.