

## **Step-By-Step Through the Title IX Process**

- #1: Incident Report received by Title IX Coordinator.
- #2: Report reviewed and contact made with –
- Complainant, if known
  - Parent/legal guardian
  - If applicable, DCFS and/or law enforcement
- #3: The Title IX Coordinator must promptly contact the complainant confidentially to discuss:
1. The availability of supportive measures
  2. Consider the complainant's wishes with respect to supportive measures
  3. Inform the complainant of the availability of supportive measures with or without the filing of a formal complaint
  4. Explain to the complainant the process for filing a formal complaint
  5. Also, review and any other applicable policy, such as grievance process for employees under employee contract or student code of conduct disciplinary process
  6. Recommend giving the complainant a summary of this information in writing
- #4: If a formal complaint is received by the school from the Complainant or Complainant's parent, the Title IX Coordinator should:
- Review the allegations and if the allegations in a formal complaint do not meet the definition of sexual harassment in the Final Rule, or did not occur in the school's education program or activity against a person in the United States, the school must dismiss such allegations for purposes of Title IX but may still address the allegations in any manner the school deems appropriate under the school's own code of conduct or any other non-Title IX disciplinary policy.
  - If there is sufficient information available to the school to conclude that the allegations do meet the definition of sexual harassment and did occur in the school's education program or activity against a person in the United States, then the Coordinator should re-discuss with Complainant and their parents the grievance process and explain the informal resolution process as an option.
  - If the Title IX Coordinator determines that it would be clearly unreasonable not to do so, the Title IX Coordinator may sign a formal complaint with the Title XI Coordinator's own signature.
- #5: Notify the Respondent and the Respondent's parents of the filing of a formal complaint:
- Explain grievance process and the informal resolution process
  - Offer supportive measures
  - Discuss no contact directive/orders (if applicable)
- #6: If Complainant or Respondent wants to pursue the informal resolution process, determine if the other party wants to voluntarily engage in the informal resolution process as well.
- If so, then identify an impartial, neutral, trained party to serve as the informal resolution facilitator and assign the matter.
  - Provide the name and information about the informal resolution facilitator to see if either party can state if there is a basis as to why the person selected cannot be fair and impartial or is biased. If the informal resolution facilitator is going to be the Title IX Coordinator, they may not serve as the investigator.

- Obtain written consent of the parties to participate in informal resolution
  - Informal resolution is not available if the allegation involves an employee and a student
  - Upon reaching an agreement in the informal resolution process, it should be put in writing, reviewed by both parties, and signed by both parties.
- #7: If neither party wants to pursue the informal resolution process, then begin the formal investigation into the incident and issue a Notice of Investigation that states the nature of the complaint, when the complaint was received, what school district policies are alleged to have been violated and who is conducting the investigation.
- Identify an impartial, neutral, trained party to serve as the investigator and assign the matter.
  - Provide the name and information about investigator to see if either party can state if there is a basis as to why the person selected cannot be fair and impartial or is biased.
- #8: Provide the Investigator with access to all relevant information and contact information for witnesses.
- Once completed, share the draft Investigation Report at the same time with the parties, including a copy of all evidence related to the allegations. Allow 10 days for parties to provide a response.
  - Issue final Investigation Report, hard copy or electronic format contemporaneously to the parties at least 10 days prior to a decision by the Decision-Maker.
- #9: Identify a Decision-Maker who is unbiased, neutral and trained render a decision based on their review of the Investigation Report and all other relevant evidence.
- The Decision Maker must provide each party the opportunity to submit written questions to the other party and witnesses and receive an answer before a determination regarding responsibility is reached.
- #10: Receive from the Decision Maker the Written Decision and deliver it to the Complainant and Respondent. Delivery should be contemporaneous to both parties.
- The Written Decision should include the decision maker's findings of fact, application of the standard of proof outlined in the policy, rationale for decision, conclusion and remedies/discipline.
  - While not mandated in the rules, adding determinations of credibility of witnesses affecting the decision to the written decision would be best practice.
- #11: Provide information to both parties about their right to appeal the decision, the basis for the appeal and when the party must file their appeal. Disciplinary action cannot be imposed until the time to appeal has run out.
- #12: If a timely appeal is filed, the appeal decision-maker(s) must be identified, notice given to the parties of who is handling the appeal and the timeframe for when the appeal decision would be made. The decision maker on appeal must be trained, impartial and unbiased.
- #13: Notify parties in writing of the appeal decision and that the decision is final.
- #14: Secure all documents and information gathered and preserve all information for seven years.