



INCIDENT EVALUATION, REPORTS, & INTAKE MEETINGS

A Title IX Coordinator Refresher Course

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IN THIS COURSE



INCIDENT
EVALUATION



REPORTS AND
INTAKE MEETINGS

LESSON COMPLETION

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Level I: Navigating the 2024 Title IX Regulations with Confidence

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Chapter & Speaker IntroductionVIDEO • < 1 MIN • PREREQUISITE • DRAFT

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Revised Scope & Jurisdiction

Revised Scope & Jurisdiction

106.31 – EDUCATION PROGRAM

“In the limited circumstances in which Title IX or this part permits different treatment or separation on the basis of sex, a recipient must not carry out such different treatment or separation in a manner that discriminates on the basis of sex by subjecting a person to more than de minimis harm.”

Up next

Policy, Training & Reporting Requirements

CONTINUE →

Noted Changes

- 106.31(a)(2) was added addressing gender identity

Comments

- There is pending litigation regarding gender identity protection that may impact this part of the regulations.

MARK INCOMPLETE

CONTINUE →

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STEPPING AWAY



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<div></div> <div>See Overview</div>	<div></div> <div>Coming Soon</div>
<div></div> <div>June 27-28, 2024: In-Person Title IX Training (Atlanta, GA)</div>	<div></div> <div>An Introduction to the 2024 Title IX Regulations</div>
<div></div> <div>See Overview</div>	<div></div> <div>Start Course</div>

<div></div> <div>See Overview</div>	<div></div> <div>Start Course</div>
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<div></div> <div>July 23-24, 2024: Virtual Title IX Training</div>	<div></div> <div>See Overview</div>	<div></div> <div>Start Course</div>
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POSTING REQUIREMENTS

In accordance with the 2020 Title IX Regulations, institutions must post “all materials used to train Title IX Coordinators, Investigators, Decision-Makers, and any person who facilitates an informal resolution process.”
34 C.F.R. 106.45(b)(10)(i)(D).

Such training materials must also be kept for seven years.

POSTING REQUIREMENTS

- Facilitating Informal Resolution Processes 0/4 ▾
- Informal Resolution Agreements and Outcomes 0/2 ▾
- Potential Challenges in Facilitating Informal Resolution Processes 0/2 ▾
- Understanding Trauma 0/6 ▾
- Course Wrap-up 0/3 ▾
- Title IX Posting Requirements 0/2 ▴
- Instructions for Posting Title IX Solutions Training Materials on Institutional Websites**
INSTRUCTIONS · PREREQUISITE
- Final Combined Course Materials
DOWNLOAD

Instructions for Posting Title IX Solutions Training Materials on Institutional Websites

Thank you for participating in a Title IX Solutions Certification Training!

Please follow these instructions as you post the training materials to your school's website to comply with Title IX Regulation 106.45(b)(10)(i)(d).

Contact adrienne@titleixsolutions.com or tawny@titleixsolutions.com with any questions regarding the posting of Title IX Solutions' training materials.

Program materials available for download:

If you haven't done so already, you can find and download the program materials for this course by clicking on the next lesson named "Final Combined Course Materials".

Instructions for posting the above training program materials are outlined below:

Step 1: Publish Authorization & Disclaimer


COMPLETE & CONTINUE →


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Courses

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In-Person Training



JUNE 27 & 28, 2024
ATLANTA, GA

NAVIGATING THE 2024
TITLE IX REGULATIONS
WITH CONFIDENCE

Training for Higher Education Administrators



June 27-28, 2024: In-Person Title IX Training (Atlanta, GA)



AN INTRODUCTION TO
THE 2024 TITLE IX RULE

APRIL 25, 2024

An Introduction to the 2024 Title IX Regulations

Virtual Training



JULY 23 & 24, 2024
LIVE VIRTUAL TRAINING

NAVIGATING THE 2024
TITLE IX REGULATIONS
WITH CONFIDENCE

Intensive for Higher Education Administrators



July 23-24, 2024: Virtual Title IX Training
Use code INTRO24BEGS to save \$100

THANK YOU!



TITLE IX SOLUTIONS, LLC

TITLE IX INCIDENT EVALUATION

IN THIS CHAPTER



CONDUCTING A TITLE IX
INCIDENT EVALUATION



UNDERSTANDING
SAFETY & RISK
ASSESSMENTS



SPEAKER

KATHRYN STATZ

CONSULTANT & INVESTIGATOR

CONDUCTING A TITLE IX INCIDENT EVALUATION



TITLE IX INCIDENT EVALUATIONS

ALSO REFERRED TO AS A "PRELIMINARY ASSESSMENT" OF AN INCIDENT

WHO

Conducted by
the Title IX
Coordinator

WHAT

Analysis of the
alleged incident to
determine if the
misconduct could be
considered sexual
harassment under
Title IX, if proven

WHEN

- Upon learning of
an alleged incident
- During and after
the intake meeting
- Throughout the
Title IX process

WHY

To determine how
the school will
address the alleged
incident and identify
which grievance
procedures to
implement

HOW

- First, consider whether the conduct was sex-based, including, based upon gender identity and/or sexual orientation.
- If so, utilize the four "threshold criteria" outlined in the Title IX Regulations.

1

DOES THE SCHOOL HAVE "ACTUAL KNOWLEDGE"?

RECALL HOW THE TITLE IX REGULATIONS DEFINE THIS:

“Notice of sexual harassment or allegations of sexual harassment to a recipient’s Title IX Coordinator or any official of the recipient who has authority to institute corrective measures on behalf of the recipient, or to any employee of an elementary and secondary school.”

2

DID THE INCIDENT OCCUR IN THE UNITED STATES?

INCIDENTS MAY OCCUR DURING SCHOOL-SPONSORED PROGRAMS ABROAD. HOWEVER, THE DEPARTMENT OF EDUCATION REQUIRES INCIDENTS TO OCCUR IN THE U.S. TO BE CONSIDERED "SEXUAL HARASSMENT" UNDER TITLE IX.

YES

Incident may be considered Title IX sexual harassment.

NO

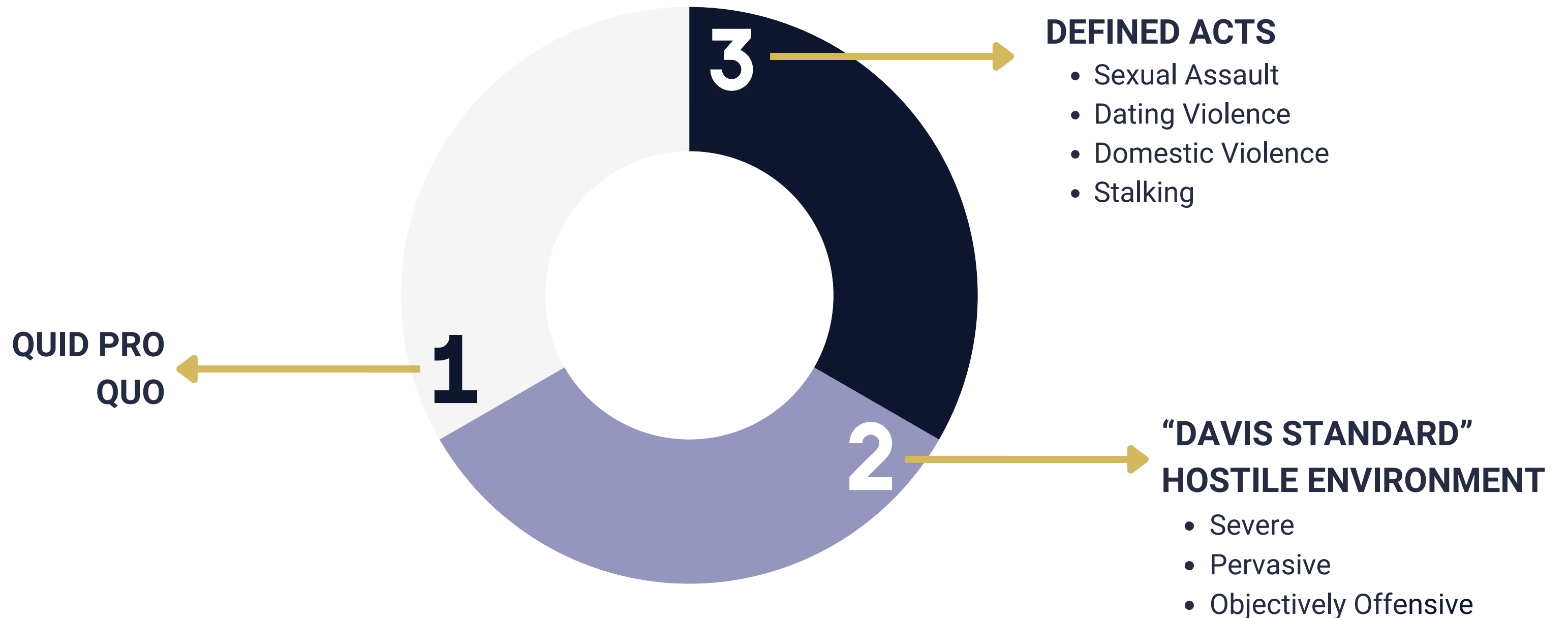
Determine if other school policies apply to the incident and are therefore initiated.

Continue to offer supportive measures.

3

WOULD THE INCIDENT CONSTITUTE SEXUAL HARASSMENT?

SEXUAL HARASSMENT IS DEFINED AS CONDUCT ON THE BASIS OF SEX THAT SATISFIES ONE OR MORE OF THREE TYPES OF BEHAVIOR:



3

WOULD THE INCIDENT CONSTITUTE SEXUAL HARASSMENT?

KEEP IN MIND THAT THIS IS A PRELIMINARY ASSESSMENT OF THE INCIDENT - NOT A DEFINITIVE DETERMINATION AS TO WHETHER THE RESPONDENT IS RESPONSIBLE FOR THE ALLEGED MISCONDUCT.

YES

Incident may be considered Title IX sexual harassment.

NO

Determine if other school policies apply to the incident and are therefore initiated.

Continue to offer supportive measures.

4

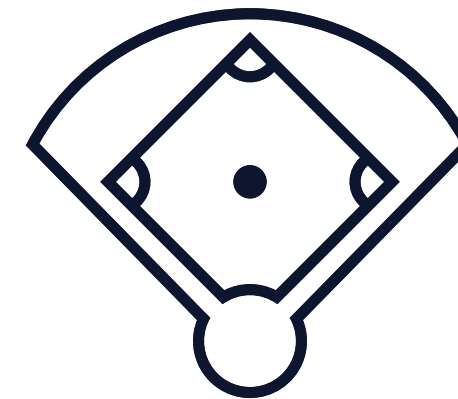
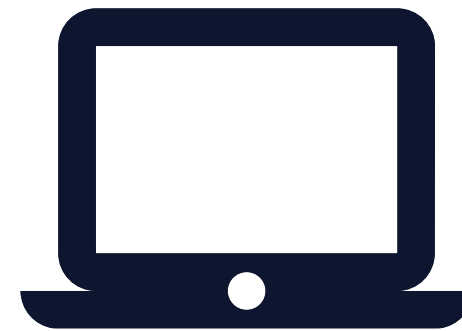
DID THE INCIDENT OCCUR WITHIN THE SCHOOL'S EDUCATION PROGRAM OR ACTIVITY?

LOCATIONS, EVENTS, OR CIRCUMSTANCES OVER WHICH:

Institution exercised substantial control over the Respondent

&

Institution exercised substantial control over the context in which the sexual harassment occurred



4

DID THE INCIDENT OCCUR WITHIN THE SCHOOL'S EDUCATION PROGRAM OR ACTIVITY?

THIS CAN BE A DIFFICULT QUESTION TO ANSWER AT THIS STAGE OF THE PROCESS.

YES

Incident may be considered Title IX sexual harassment.

NO

Determine if other school policies apply to the incident and are therefore initiated.

Continue to offer supportive measures.

WHAT IF I'M UNSURE ABOUT A TITLE IX THRESHOLD CRITERION?



CONSULT WITH OTHER TITLE IX ADMINISTRATORS

- Discuss general details within the confidential circle of colleagues.



REVIEW PAST TITLE IX CASES

- Have cases with similar circumstances been addressed under Title IX? Why or why not?



ERR ON THE SIDE OF CAUTION

- It is preferable to initiate the Title IX grievance process and learn more about the incident as the process unfolds.

**WHAT IF I
FIND OUT A
CRITERION
ISN'T MET
AFTER
INITIATING
THE TITLE IX
PROCESS?**



**THE SCHOOL MAY BE REQUIRED TO
DISMISS THE FORMAL COMPLAINT
UNDER TITLE IX**

- Upon dismissal of a formal complaint, the school must promptly send written notice of the dismissal and the reason(s) therefore simultaneously to the parties.

IF TITLE IX DOES NOT APPLY

- Identify other school policies that may address the alleged misconduct
 - Student/employee handbook, nondiscrimination or bullying policy, etc.
- Offer the Complainant supportive measures
- Invite the Complainant to an intake meeting
- Keep an open mind - you may learn more about an incident after meeting with the Complainant and then determine that Title IX does apply to the incident
- Document your evaluation process and next steps

DISMISSAL

**SCHOOL MUST DISMISS IF THE CONDUCT ALLEGED
IN THE FORMAL COMPLAINT:**

Would not
constitute sexual
harassment as
defined in
§106.30 even if
proved

Did not occur in
the recipient's
education
program or
activity

Did not occur
against a person
in the United
States



Dismissal does not preclude the school from investigating and adjudicating under another provision of the school's Code of Conduct.

DISMISSAL

SCHOOL MAY DISMISS IF THE CONDUCT ALLEGED IN THE FORMAL COMPLAINT:

Complainant
notifies the Title IX
Coordinator that
they would like to
withdraw the formal
complaint

The Respondent
is no longer
enrolled or
employed by the
recipient

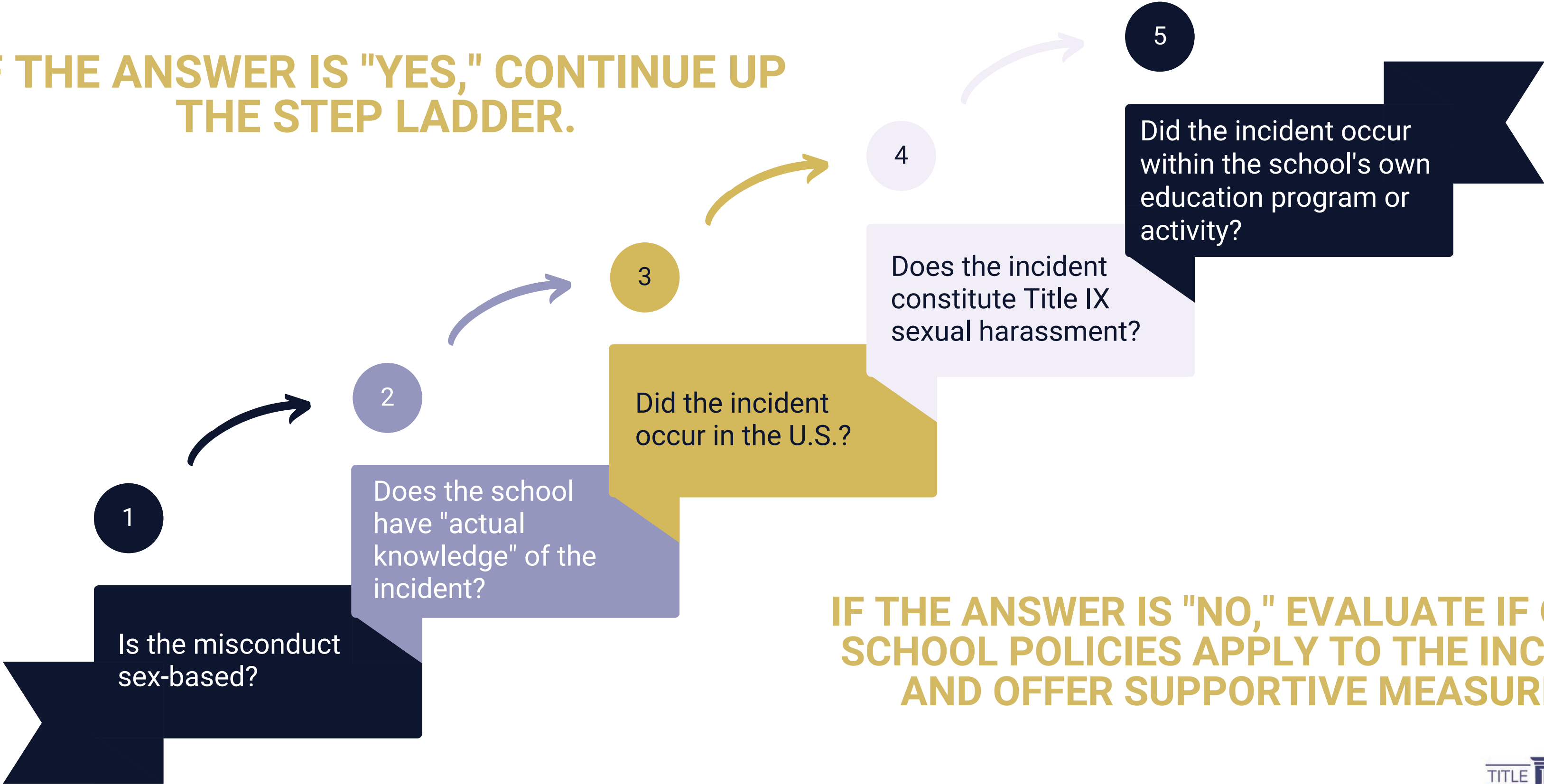
Specific
circumstances
prevent the recipient
from gathering
evidence sufficient
to reach a
determination



A complaint will not be dismissed because a Complainant remains at or leaves the school.

LET'S PRACTICE!

IF THE ANSWER IS "YES," CONTINUE UP THE STEP LADDER.



Title IX
Grievance
Process

IF THE ANSWER IS "NO," EVALUATE IF OTHER SCHOOL POLICIES APPLY TO THE INCIDENT AND OFFER SUPPORTIVE MEASURES.

- Joseph reports that his classmate, Joanna, pulled his backpack and made him fall on the bus.
- Melissa told her teacher that Mr. Jones, the Math Olympiad advisor, asked her to sit on his lap yesterday.
- Mr. Smith is an English teacher. Last weekend, he went to a concert with the Associate Director of Human Resources. On Monday, Mr. Smith reported that the Associate Director of Human Resources sexually assaulted him in the car on the way home from the concert.
- Jessica's brother reported that her boyfriend assaulted Jessica last night.

- Joseph reports that his classmate, Joanna, pulled his backpack and made him fall, **and then kissed him** on the bus.
- Melissa told her teacher that Mr. Jones, the Math Olympiad advisor, asked her to sit on his lap yesterday **before he would let her sign up for math team.**
- Mr. Smith is an English teacher. Last weekend, he went to a concert with the Associate Director of Human Resources. On Monday, Mr. Smith reported that the Associate Director of Human Resources sexually assaulted him in the car on the way home from the concert **and is now sending him explicit messages to his school email address.**
- Jessica's brother reported that her boyfriend assaulted Jessica **in the stairwell during the on-campus basketball game last night.**

UNDERSTANDING SAFETY AND RISK ASSESSMENTS



SAFETY & RISK ASSESSMENT

BASED ON THE DETAILS OF A REPORT, IT MAY BE NECESSARY FOR THE TITLE IX COORDINATOR TO CONDUCT A SAFETY AND RISK ASSESSMENT OR CONTACT THE APPROPRIATE AUTHORITIES AT THEIR INSTITUTION TO CONDUCT SUCH AN ASSESSMENT

- Required before Emergency Removal of a Respondent
- An individualized safety and risk analysis conducted by the Title IX Coordinator to determine if an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal
- If Emergency Removal is necessary, the Title IX Coordinator must provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal



Document the basis for this individualized outcome with facts specific to the report

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REPORTS AND INTAKE MEETINGS



IN THIS CHAPTER



TITLE IX REPORTING



INTAKE MEETINGS



COMPLAINTS

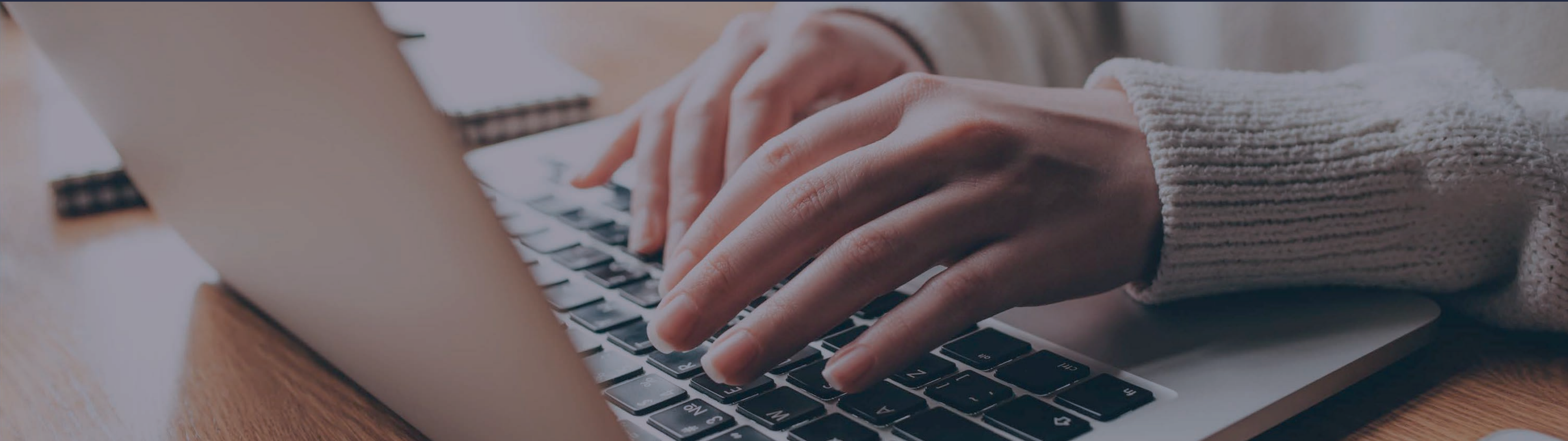


SPEAKER

ADRIENNE MATHIS

EXECUTIVE DIRECTOR
TITLE IX SOLUTIONS

TITLE IX REPORTING



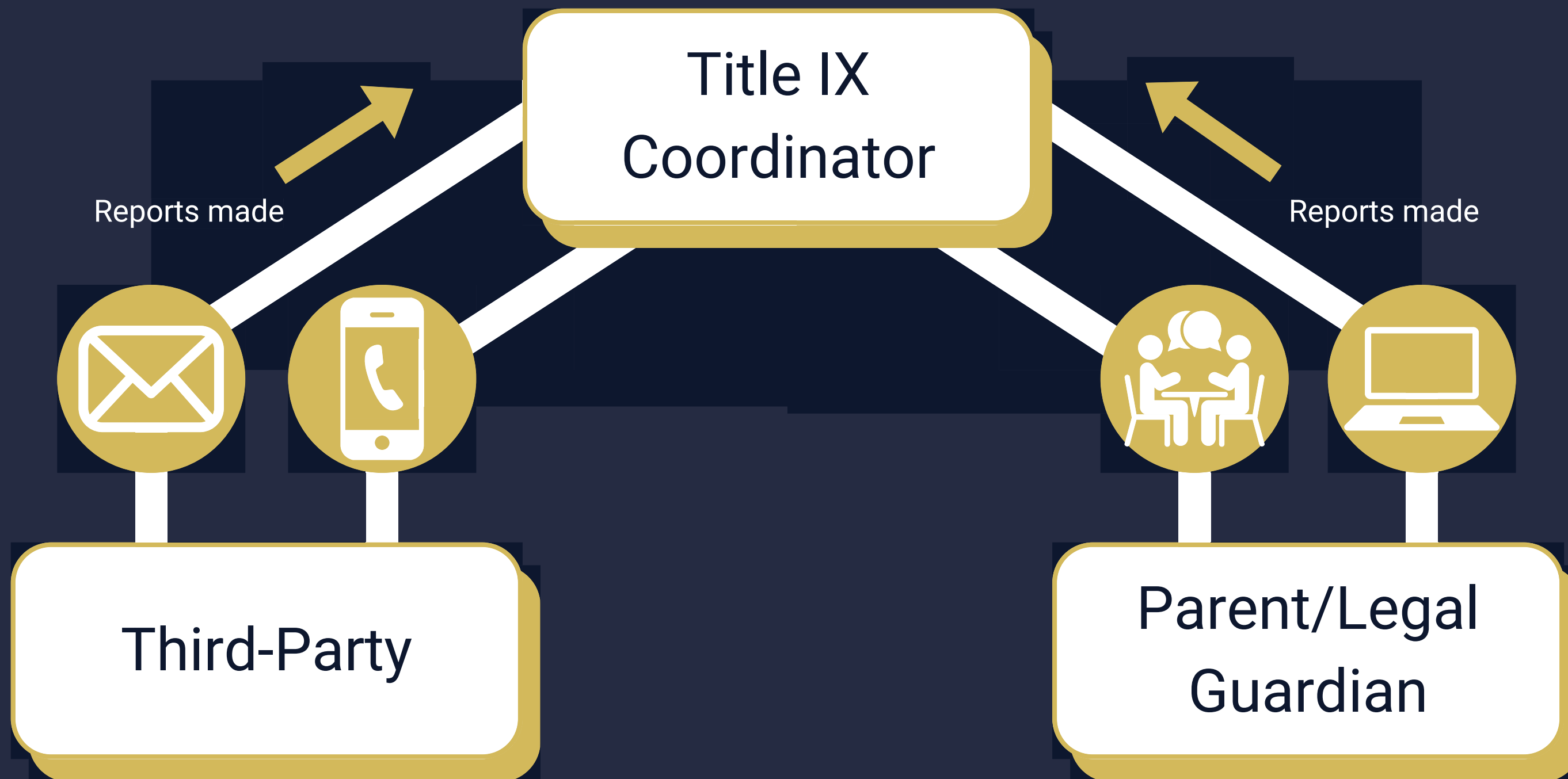
REPORTING INCIDENTS OF SEXUAL HARASSMENT

AS STATED IN THE TITLE IX
REGULATIONS, ANY PERSON MAY REPORT
SEX DISCRIMINATION, INCLUDING SEXUAL
HARASSMENT, TO THE TITLE IX COORDINATOR.

"Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator."

34 CFR §106.8(a)

EXTERNAL

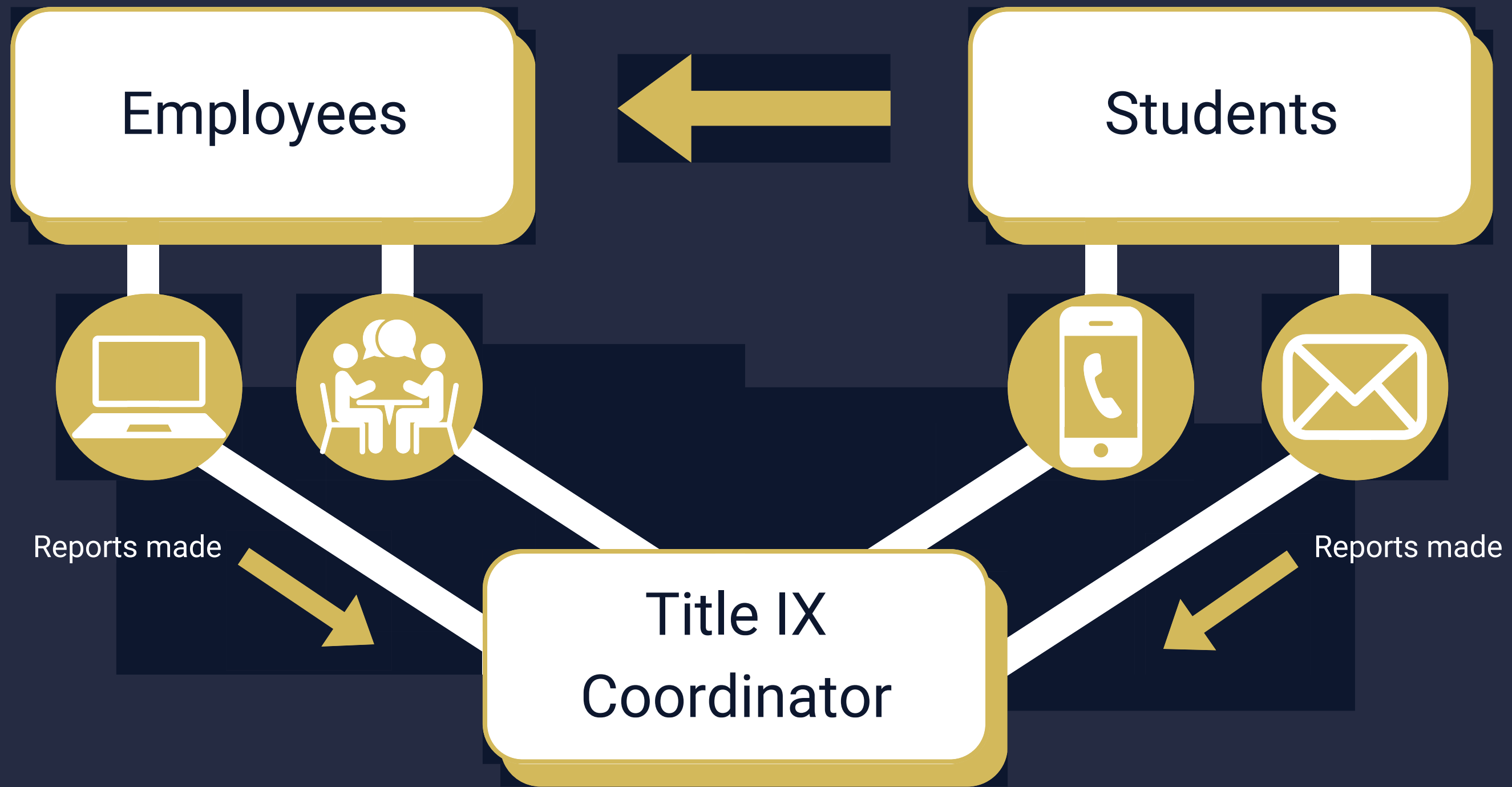


EXTERNAL REPORTING CONSIDERATIONS



Consider the various individuals outside of the school setting who may report incidents of sexual harassment to your Title IX Coordinator.

- Who are they?
- What would their experience be if they sought out information on how to report Title IX sexual harassment?
- What do you want them to know?
- What information do you want them to have access to?
- How can you make the process of reporting easier for them?



INTERNAL

INTERNAL REPORTING CONSIDERATIONS



Consider how many employees you have at your institution.

- From the top down, what is your level of confidence that each employee could articulate their reporting responsibilities under Title IX?
- How will you provide training on these responsibilities?



Consider the way your students interact with each type of employee at your institution.

- Do students know employee reporting requirements under Title IX?
- How would you communicate this to them?

REPORTING AT POSTSECONDARY

“For all recipients, notice to the recipient’s Title IX Coordinator or to ‘any official of the recipient who has authority to institute corrective measures on behalf of the recipient’ (referred to herein as ‘officials with authority’) conveys actual knowledge to the recipient and triggers the recipient’s response obligations. Determining whether an individual is an ‘official with authority’ is a legal determination that depends on the specific facts relating to a recipient’s administrative structure and the roles and duties held by officials in the recipient’s own operations.”

(pp.50-51 Preamble to the Title IX Regulations)



Consult institutional policy and other relevant state laws to determine who must report and what they must report.

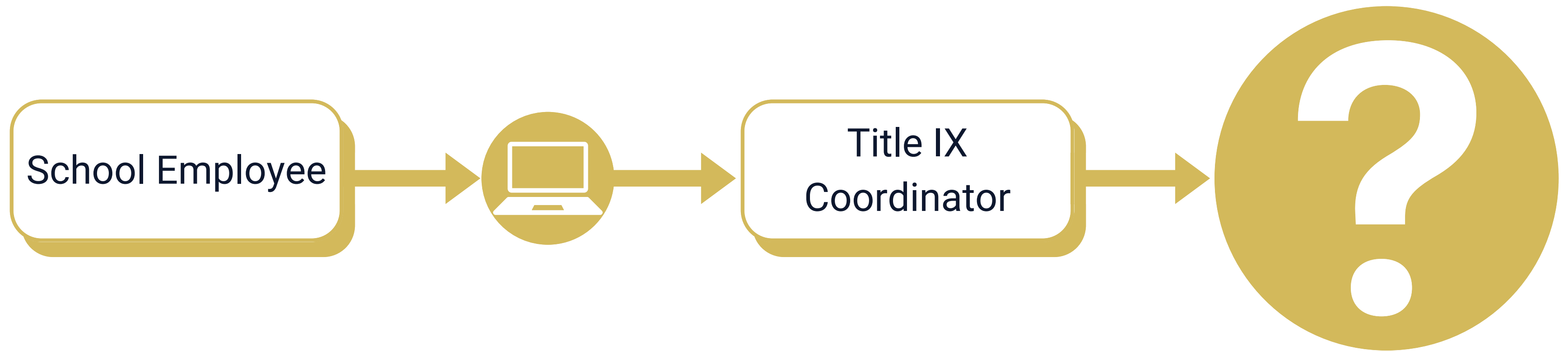
REPORTING AT K-12 INSTITUTIONS



"Notice of sexual harassment to elementary and secondary school employees, who may include principals, teachers, school counselors, coaches, school bus drivers, and all other employees will obligate the recipient to respond to Title IX sexual harassment."

2020 Preamble to the Title IX Regulations, p. 332-333

FOLLOWING A REPORT



What **must** the Title IX Coordinator do next to ensure the school is not acting with deliberate indifference?

WHAT DOES TITLE IX REQUIRE?

Hint: §106.44 Recipient's response to sexual harassment provides the answer.

The Title IX Coordinator must...



1 Promptly contact the Complainant to discuss 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



TRAINING POINT

**HOW SHOULD YOU GO
ABOUT THIS?**

LETTER OF THE LAW VS. SPIRIT OF THE LAW

THE REGULATIONS, AS THEY'RE WRITTEN, COULD BE SATISFIED IN AN EMAIL WITH THE FOLLOWING:

- A written statement or graphic sent to the Complainant explaining the availability of supportive measures and providing a few examples
- A brief, written statement explaining the process for filing a formal complaint
- A sentence explaining the availability to utilize supportive measures even if a formal complaint is not filed.

If the Complainant responded to this email and the Coordinator considered their wishes as they relate to supportive measures, they would technically be compliant.

LETTER OF THE LAW VS. SPIRIT OF THE LAW

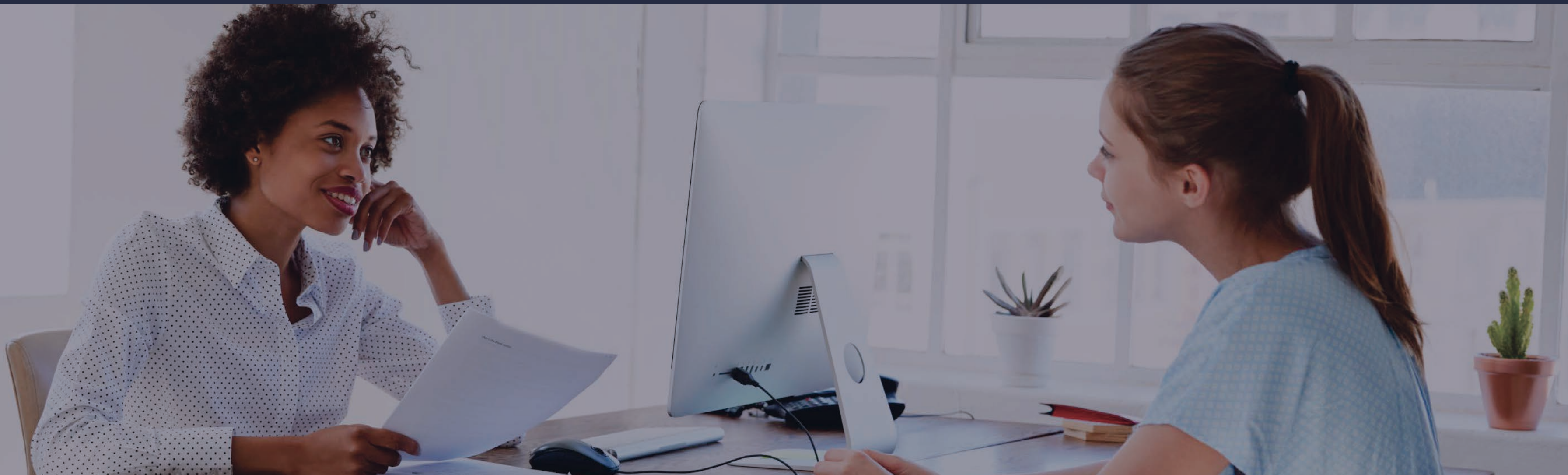
HOWEVER, COULD AND TECHNICALLY
ARE NOT BEST PRACTICE.

"...the Department has tailored a deliberate indifference standard for administrative enforcement purposes by adding specific obligations that every recipient must meet as part of every response to sexual harassment, including offering supportive measures to Complainants through the Title IX Coordinator engaging in an interactive discussion with the Complainant about the complainant's wishes, and explaining to the Complainant the option and process for filing a formal complaint."

(p. 224 Preamble to the Title IX Regulations)

This is meant to be a thoughtful, in-person discussion!

INTAKE MEETINGS



GRIEVANCE PROCESS



**INTAKE &
REVIEW**

FORMAL
COMPLAINT

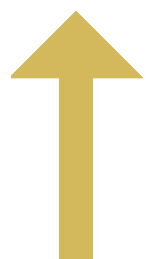
NOTICE OF
ALLEGATIONS

INVESTIGATION

DECISION-
MAKING
PROCESS

WRITTEN
DETERMINATION

APPEAL



WE ARE HERE

1 Promptly
contact the
Complainant to
discuss the availability
of supportive
measures



QUESTIONS TO CONSIDER:

1. What is considered prompt?
2. How will I initiate contact?
3. Who do I need to include in my initial contact?
4. What will be said in my initial contact?
5. What if the Complainant does not respond to my attempts to contact?

1. WHAT IS CONSIDERED PROMPT?

As soon as you receive the report, you should reach out. If the report is received after business hours, on the weekend, or a holiday, contact on the first business day you return. However, if the report suggests an immediate threat or safety risk, ensure immediate communication.

2. HOW WILL I INITIATE CONTACT?

Best practice is to initiate contact in writing for recordkeeping, but in some cases, you may need to make a phone call.

*Remember to document date and time, as well as what was shared.

3. WHO DO I NEED TO INCLUDE IN MY INITIAL CONTACT?

The Complainant, as well as their parent or legal guardian if the party is a minor.

4. WHAT WILL BE SAID IN MY INITIAL CONTACT?

Introduction, brief explanation of Title IX and your reason for reaching out, request for meeting, and helpful documents (processes, policy, list of supportive measures)

5. WHAT IF THE COMPLAINANT DOES NOT RESPOND TO MY ATTEMPTS TO CONTACT?

- Vary your attempts to contact and document all attempts
 - Email, phone calls to Complainant and parent, final attempt with a trackable letter or email
 - Some case management systems provide thorough tracking of all communications
- Decide how many attempts you will make before closing the case for non-contact
- Ensure you have at least provided information about the availability of supportive measures, as well as the process for filing a formal complaint as those are required under Title IX

2

Consider
the Complainant's
wishes with respect
to supportive
measures



QUESTIONS TO CONSIDER:

1. How can I inform the Complainant of which supportive measures may be available?
2. How can I ensure supportive measures are available?
3. What does it mean to "consider" their wishes?
4. What materials can I send home with the Complainant?

1. HOW CAN I INFORM THE COMPLAINANT OF WHICH SUPPORTIVE MEASURES MAY BE AVAILABLE?

Provide a general list or infographic of the areas in which supportive measures may be available and listen to their concerns. Help Complainants understand that the list is not exhaustive, and other options may be available after discussing their individual needs.

2. HOW CAN I ENSURE SUPPORTIVE MEASURES ARE AVAILABLE?

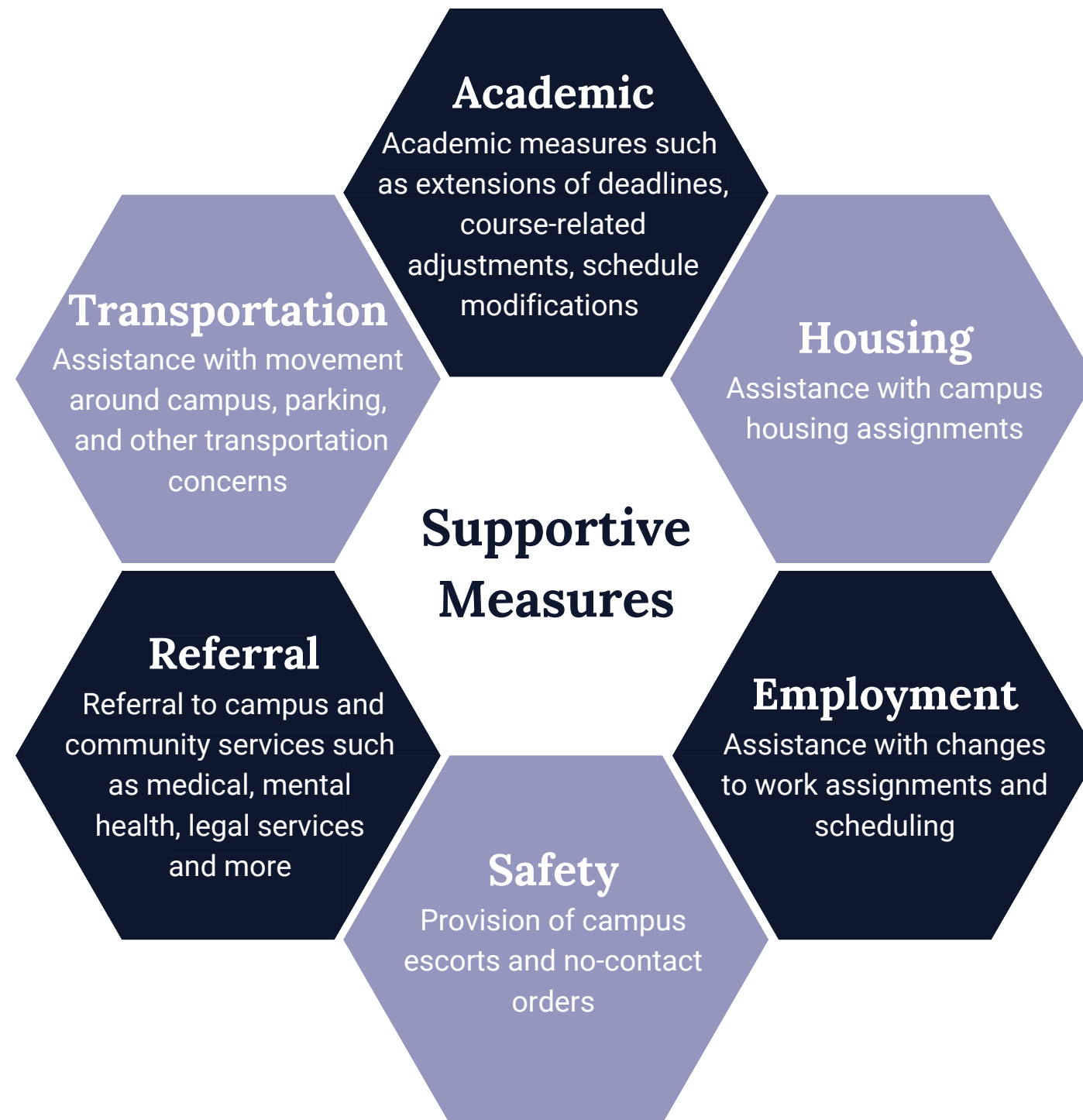
Best practice is to initiate contact in writing for recordkeeping, but in some cases, you may need to make a phone call.

*Remember to document date and time, as well as what was shared.

3. WHAT DOES IT MEAN TO "CONSIDER" THEIR WISHES?

Be mindful of their requests. Do not promise any supportive measure until you know it is feasible. Complainants may request measures that are not possible.

4. WHAT MATERIALS CAN I SEND HOME WITH THE COMPLAINANT?



Handout containing

- Explanation of supportive measures
- Information regarding your role in implementing any supportive measures needed
- Range of supportive measures available
- Helpful campus and community resources

3

Inform the
Complainant
of the availability of
supportive measures
with or without the
filing of a formal
complaint



QUESTIONS TO CONSIDER:

1. How will I communicate this?
2. How long will these supportive measures need to be in place?

1. HOW WILL I COMMUNICATE THIS?

After explaining the process for filing a formal complaint and the grievance process, simply let the Complainant know they can receive supportive measures by working with you, even if they choose not to file a formal complaint. Explain that you are a resource for them, and they have the right to decide if they would like to file a formal complaint.

2. HOW LONG WILL THESE SUPPORTIVE MEASURES NEED TO BE IN PLACE?

There is no specific expiration date for supportive measures. If a formal complaint is not filed, the implementation of supportive measures will need to be a continued conversation between the Title IX Coordinator and the Complainant. They may be impacted by the Respondent's presence on campus. If a formal complaint is filed, supportive measures are available during the grievance process and after the conclusion if the Respondent is found not responsible for violating the Title IX policy. Remedies are available to Complainants if a Respondent is found responsible.

4

Explain to
the Complainant
the process for
filing a formal
complaint



QUESTIONS TO CONSIDER:

1. How can I best explain this process?
2. What information does the Complainant need to know to make the most informed decision?
3. How will I communicate the school's decision to initiate a formal complaint when the Complainant does not wish to move forward?

1. HOW CAN I BEST EXPLAIN THIS PROCESS?

Walk them through the Title IX policy and process. Answer any questions they may have. Be thorough, but try not overwhelm the Complainant with complicated language. Let them review the policy and handouts. Make yourself available for follow up questions and even follow-up meeting.

2. WHAT INFORMATION DOES THE COMPLAINANT NEED TO KNOW TO MAKE THE MOST INFORMED DECISION?

The Complainant needs to be aware of the policy, their rights as a Complainant, the Respondent's rights, the Title IX grievance procedures, potential outcomes, timeline for the process, and available resources. Ensure you have provided all of this information to the Complainant so there are no "surprises" if they choose to file a formal complaint.

3. HOW WILL I COMMUNICATE THE SCHOOL'S DECISION TO INITIATE A FORMAL COMPLAINT WHEN THE COMPLAINANT DOES NOT WISH TO MOVE FORWARD?

"These final regulations obligate a recipient to initiate a grievance process when a Complainant files, or a Title IX Coordinator signs, a formal complaint, so that the Title IX Coordinator takes into account the wishes of a Complainant and only initiates a grievance process against the Complainant's wishes if doing so is not clearly unreasonable in light of the known circumstances."

(p. 71 Preamble to the Title IX Regulations)

Explain the need to protect the safety of both the Complainant and greater school community. If the allegations are serious and pose risk of further harm to the Complainant or others, an investigation is necessary.

Inform the Complainant of their right to not participate, but gently inform them that their participation in the Title IX grievance process would be of great help.

HELPFUL TIPS FOR INTAKE MEETINGS



SEEK MORE DETAILS TO HELP YOU PERFORM THE INCIDENT EVALUATION

- However, do not turn this into an investigative interview...that comes later!



USE TRAUMA-INFORMED TECHNIQUES

- Practice active listening by repeating the Complainant's statements back to them:
 - "So what I am hearing you say is..."



BE PREPARED

- Have all handouts and documents printed and readily available.



FOLLOW UP

- If you have not heard from the Complainant following the intake meeting, check in to see if there are any questions to answer.



DISCUSS TIMELINE FOR FILING COMPLAINT WITH THE COMPLAINANT

FORMAL COMPLAINTS



FORMAL COMPLAINT

§106.30 DEFINITIONS.

"A document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the recipient investigate the allegation of sexual harassment."



- Can be a physical document or an electronic document (email, Word document, etc.)
- Must contain a physical or electronic signature of the Complainant
- Can be signed by the Title IX Coordinator if it is decided the Coordinator will file without the Complainant's participation in the process (usually following a safety and risk assessment)

REPORT VS. FORMAL COMPLAINT

REPORT

- May allege sexual harassment, sex discrimination, or sexual misconduct
- May be written or oral
- May be submitted by any person, not just the alleged victim
- May be anonymous
- May be made at any time
- May be made in person or by mail, phone, email or any other means

COMPLAINT

- Alleges Title IX sexual harassment
- Required for initiation of the Title IX grievance process
- Required to be filed and signed by the Complainant or Complainant's parent or guardian (or Title IX Coordinator in certain instances)
- Cannot be filed anonymously or by a third-party

PARENTS & GUARDIANS

EXERCISE OF RIGHTS BY PARENTS OR GUARDIANS

“Nothing in this part may be read in derogation of any legal right of a parent or guardian to act on behalf of a ‘complainant,’ ‘respondent,’ ‘party,’ or other individual, subject to paragraph (e) of this section, including but not limited to filing a formal complaint.”

§ 106.6(g)

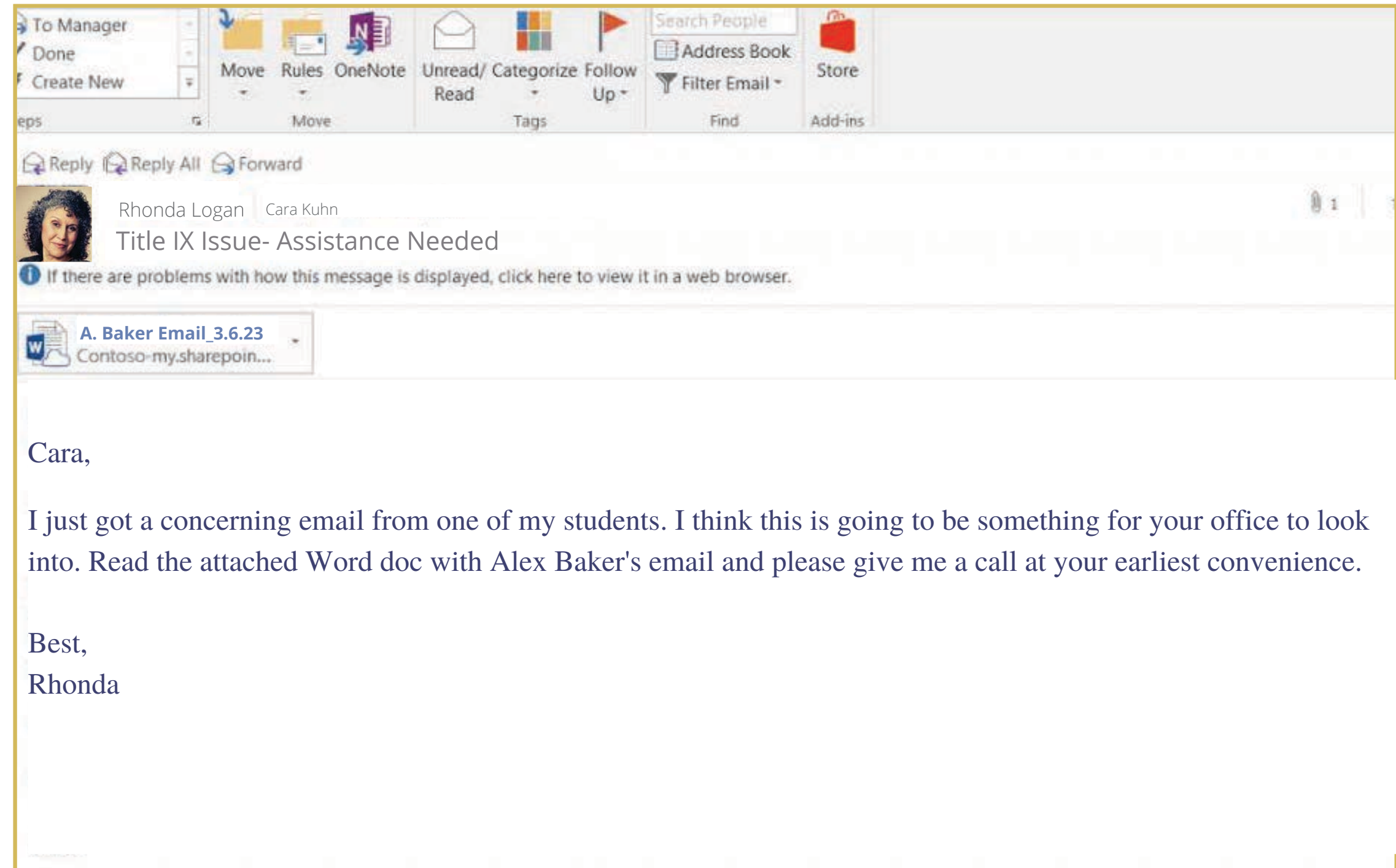


REMINDER:



**THERE IS NO STATUTE OF LIMITATIONS
ON FILING A FORMAL COMPLAINT.
HOWEVER, THE COMPLAINANT “MUST
BE PARTICIPATING OR ATTEMPTING
TO PARTICIPATE IN THE RECIPIENT’S
EDUCATION PROGRAM OR ACTIVITY”
AT THE TIME OF FILING.**

SAMPLE INITIAL REPORT OF POTENTIAL CONCERN



SAMPLE FORMAL COMPLAINT

March 10, 2023

To the Sample University Title IX Coordinator,

On the night of March 3rd, a Friday, the Music Department held a celebratory dinner for all seniors who will be graduating this spring. The students, department faculty, and some program alumni were invited to attend the event which was held in the main banquet room in Briggs Hall. The event started at 7 PM. I was seated at a table with two Music Department faculty members, one of which was my professor Dr. Logan, and three other students, one of which was Jordan Reynolds. I thought the dinner was pleasant and overall, conversation seemed pretty normal. However, there was a cash bar provided, with wine and beer, and I saw Jordan Reynolds drinking quite a bit. I noticed Jordan getting louder and more talkative with each drink they had. I saw Jordan drink four beers, but I don't know if they had more than that because I was not around them until we were seated. I don't drink, so I didn't visit the bar.

When the event was over, Dr. Logan asked if she could have some help taking two boxes of table decorations back to the Music Department administrative office also in Briggs Hall. I wanted to be helpful, so I volunteered to take a box back. Jordan immediately jumped in saying they would join me. I was somewhat annoyed because they were clearly intoxicated and had been looking at me strangely all night.

Dr. Logan informed me that the main office was unlocked and that we could place the boxes behind the main reception desk. Dr. Logan said she would lock up later when she gathered her personal belongings from her office. Jordan and I walked down the hall to the Music Department office where it was extremely dark. We put the boxes behind the reception desk as Dr. Logan instructed us to do. I felt weird about being in there with them, so I immediately made my way to the door so I could go to my car and go home. Jordan ran to the door and pushed it closed, pinning me between themselves and the door. I was terrified. Jordan told me we should "take advantage of the privacy" and started telling me how attracted they are to me. I froze and couldn't say anything or even more. Jordan forcefully began kissing my neck and had my arms held down to my side. Jordan started pulling my dress up and put their hand inside my underwear. I started to squirm around and felt myself crying. Jordan said something like, "You'll enjoy it if you just let it happen," and told me we should keep going. As they started to unbuckle their belt, I had enough space to push them away and ran out the door as fast as I could.

As I was running down the hall, I passed Dr. Logan, who I think saw me crying. I couldn't stop because I was afraid Jordan would follow me into the parking lot. I missed classes on Monday because I didn't want to risk bumping into Jordan on campus. One of the classes I missed was Dr. Logan's capstone class, which I never skip. I emailed her to tell her I was sick, but she asked if my absence had anything to do with what she saw Friday night. I didn't know what to do, so I just broke down and told her everything.

I would like to file a formal complaint against Jordan Reynolds. I feel unsafe and scared.

Signed,



Alex Baker

CONSOLIDATION OF FORMAL COMPLAINTS

SCHOOLS MAY CONSOLIDATE FORMAL COMPLAINTS:

- Against more than one Respondent
- By more than one Complainant against one or more Respondents
- By one party against the other, where the allegations arise out of the same facts or circumstances



REMINDER:



**IF TITLE IX COORDINATOR
SIGNS A FORMAL COMPLAINT,
THE TITLE IX COORDINATOR IS
NOT A COMPLAINANT OR
OTHERWISE A PARTY.**



TRAINING POINT

**WHAT CRITERIA WOULD BE
RELEVANT IN HELPING A TITLE IX
COORDINATOR DECIDE WHETHER
TO FILE A FORMAL COMPLAINT?**

FACTORS TO CONSIDER

WHEN DETERMINING WHETHER TO FILE A FORMAL COMPLAINT, COORDINATORS MAY CONSIDER:

- The Complainant's request not to proceed with filing a formal complaint
- The Complainant's reasonable safety concerns regarding filing of a formal complaint
- The risk that additional acts of sexual harassment would occur if a complaint is not initiated
- The severity of the allegations
- The age and relationship of the parties, including whether the Respondent is an employee of the school
- The scope of the allegations, including information suggesting a pattern, ongoing sexual harassment, or conduct alleged to have impacted multiple individuals
- Additional case-specific factors