IDAHO K-12 TITLE IX PROFESSIONAL LEARNING COMMUNITY #5

TITLE IX: COMPLIANT GRIEVANCE PROCESS PT 4

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FUTURE MEETINGS AND UPDATES

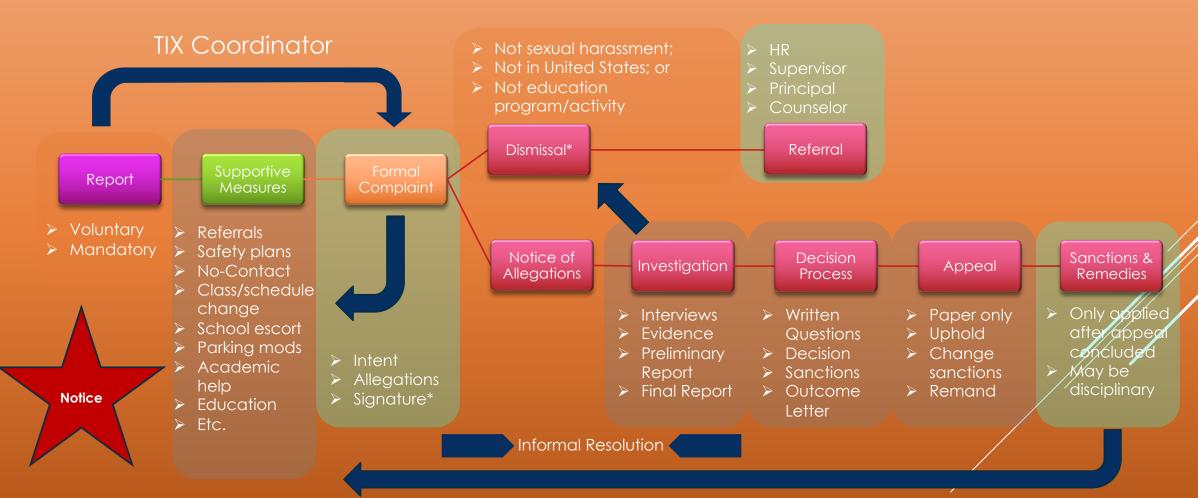
- ► May June second Tuesday each month
 - ► Each meeting is at 8am PT/9am MT for 1 hour
 - ► Exploring continuing through summer

▶ NEW Regs Reminder; no athletics reg for now

► Ideas on training all staff?

OVERVIEW OF GRIEVANCE PROCEDURES

TITLE IX FORMAL GRIEVANCE PROCESS – MUST PROVIDE FOR "PROMOTE AND EQUITABLE RESOLUTIONS OF STUDENT AND EMPLOYEE COMPLAINTS"



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REVIEW



REVIEW

- ► COMPLIANT PROCESS VS COMMON PRACTICE
- ► Notice Components
- ▶ Dismissal
 - ▶ Mandatory
 - ▶ Permissive
 - ▶ Notice
- ▶ Consolidation

CONTINUANCE – AFTER RECEIVING FORMAL COMPLAINT – 34 CFR 106.45 PT 2 ET SEQ.

INVESTIGATION

- ▶ Baseline considerations
 - Parties are not responsible for proving the claim or defending their innocence
 - Must provide equal opportunity to present witnesses and evidence
 - Cannot restrict either party from discussing the allegations or from gathering evidence

INVESTIGATION

- ▶ Baseline considerations
 - ▶ Provide same opportunities to have people present
 - Provide WRITTEN notice of date, time, location, involved people, and purpose for all hearings, interviews, and other meetings
 - Provide equal opportunity to inspect and review evidence DIRECTLY related to allegations in complain
 - Must have at least 10 days to review and respond
 - ► Must consider responses prior to finalization of report

INVESTIGATION

- ▶ Baseline considerations
 - ► Create a final investigation report
 - ► Fairly summarize all RELEVANT evidence
 - ▶ Send to the party and advisor at least 10 days before determination
 - ▶This may be a longer time period if no hearing will be held

HEARINGS

- ► K-12 NOT REQUIRED TO HAVE HEARINGS "grievance processes may, but need not, provide for a hearing."
 - ▶ If no hearing, the decision-maker must allow each party to submit written (relevant) questions that they want asked of another party or witness
 - ▶ If decision-maker believes questions are relevant, they must ask them and provide responses to the requesting party
 - ► Must allow for limited follow up questions

HEARINGS

- ► QUESTIONS ABOUT COMPLAINANT'S PRIOR SEXUAL HISTORY GENERALLY NOT RELEVANT
- ► Only relevant if:
 - Used to prove someone other than respondent violated policy, or
 - Specific prior incidents <u>between parties</u> to demonstrate consent was present

NEXT MONTHS – GRIEVANCE PROCEDURES PT. 5

- ▶ Determinations
- ▶ Appeals
- ▶ Informal resolution
- ▶ Record keeping

WHAT QUESTIONS OR CONCERNS HAVE ARISEN FOR YOU THIS MONTH?

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