IDAHO K-12 TITLE IX PROFESSIONAL LEARNING COMMUNITY #6

TITLE IX: COMPLIANT GRIEVANCE PROCESS PT 5

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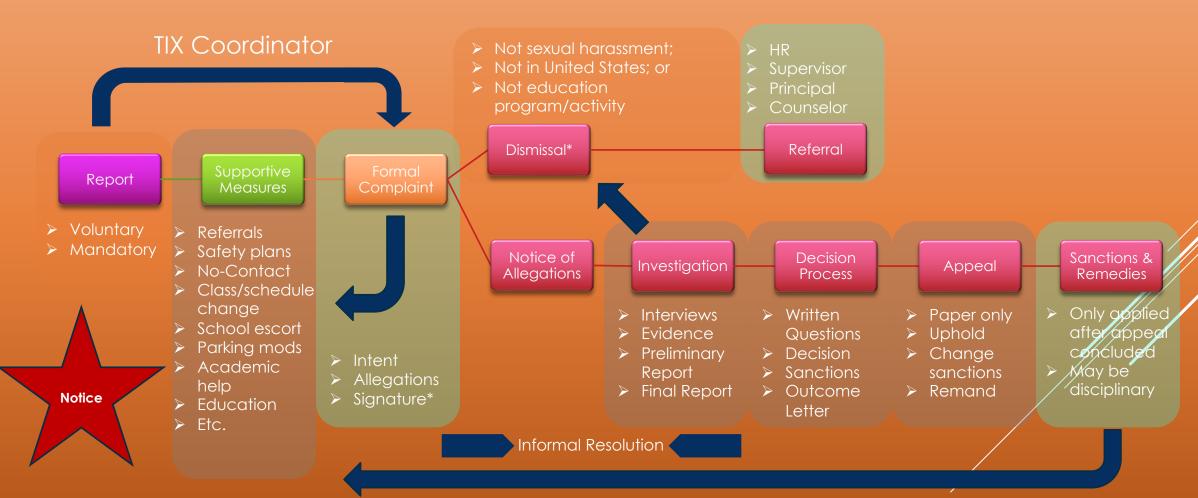
FUTURE MEETINGS AND UPDATES

- ▶June second Tuesday, 8am PT/9am MT for 1 hour
 - ► Exploring continuing through summer

► NEW REGS https://www2.ed.gov/about/offices/list/ocr/docs/t9-finalrule-summary.pdf

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

- ► Investigations
 - ▶ Baseline considerations
- ► Hearings/Decision Making Process

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

DETERMINATIONS REGARDING RESPONSIBILITY

- ► Made by decision-maker
 - ► Cannot be Title IX Coordinator or Investigator
- ▶ Decision-maker must issue written determination
 - Must be based on the standard of evidence you have opted to use
 - ► Preponderance of evidence OR
 - Clear and convincing

WRITTEN DETERMINATION OF OUTCOME

- ▶ A written determination must include
 - ▶ Identification of the allegation
 - ► Procedural summary
 - Findings of fact supporting the determination
 - Conclusions regarding application of policy to the facts/
 - ▶ Rational for findings and any disciplinary actions
 - ▶ Information on how to appeal

WRITTEN DETERMINATION OF OUTCOME

- ▶ Must be provided to the parties at the same time
- ▶ Becomes final upon appeal decision OR if no appeal is filed, when possibility to appeal expires

► The Title IX Coordinator is responsible for ensuring effective implementation of any remedies

APPEALS

- ► MUST OFFER BOTH PARTIES an appeal from:
 - ► A determination of responsibility
 - ► The dismissal of a formal complaint or any allegations therein
- ▶ Required bases of appeal:
 - ► Procedural irregularity
 - ▶ New evidence
 - ► Conflict of interest or bias

APPEALS

- ▶ For all appeals, you must:
 - Notify the other party in writing an appeal was filed
 - Have a trained, non-biased, and conflict-free appeal decision-maker available
 - Provide parties an equal opportunity to submit a response
 - ▶ Issue a written decision
 - Provide the decision to both parties at the same time

NEXT MONTH – NEW REGS REVIEW AND GRIEVANCE PROCEDURES PT. 6

- ▶ Informal resolution
- ► Record keeping

WHAT QUESTIONS OR CONCERNS HAVE ARISEN FOR YOU THIS MONTH?

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