1B.3 Procedure

**PROCESS FLOWCHART**

Complaint submitted to Title IX Coordinator

Title IX Coordinator determines if complaint meets the definition of sexual harassment under Title IX.

At initial meeting with respondent, Title IX Coordinator provides links to 1B.3 procedure, and information about the allegations to the respondent to be able to respond to the substance of the complaint.

Informal Resolution Process

Informal resolution may be offered.

Investigation Process

Investigator assigned by Title IX Coordinator (or designee)

An advisor must be provided to both the complainant and respondent with no fee or charge to either the complainant or respondent.

Conduct interviews with complainant, respondent and witnesses.

Follow notification procedure for informal resolution.

Informal resolution resolves the matter.

Informal resolution does not resolve the matter.

Follow notification procedure for formal investigation.

Case closed.

Case closed.

Informal resolution process.

Case closed.

Case closed.

Complainant shall not be provided with an opportunity to challenge the decision immediately following the removal. (In non-student respondent, place on administrative leave pending a grievance process under existing procedure).

Complainant does not meet the requirements of a Title IX complaint.

Title IX Coordinator reviews complaint options on obtaining medical attention, reporting to law enforcement, and other off campus resources.

Discuss supportive measures (with or without the filing of a formal complaint) and discuss complaint options.

Interim Actions (Can occur at any time)

Complainant does not proceed with the formal complaint process.

Proceed to formal investigation process.

Complainant proceeds to the formal complaint process.

Respondent may submit a written response to the allegations.

Assist respondent with determining an individual who may serve as a process advisor.

No Basis to Proceed

At any point during the processing of the complaint the Title IX Coordinator may determine there is no basis to proceed under Board Policy 1B.3. The Title IX Coordinator shall refer the complaint as appropriate to other college or university officials. The Title IX Coordinator shall notify the complainant and respondent of the outcome.

If the conduct alleged in the formal Title IX complaint would not constitute Title IX sexual harassment, even if proved, did not occur in the college or university’s education program or activity, or did not occur against a person in the United States, then the institution must dismiss the formal complaint.

The college or university may dismiss a formal complaint or any allegations therein any time during the investigation or hearing. If a complaint notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint allegation or allegations, or that the complainant is unable to participate in the proceeding because of a physical or mental condition, the Title IX Coordinator shall dismiss the formal complaint. The Title IX Coordinator shall not withdraw a formal complaint allegation or allegations unless the complainant or the complainant’s designee agrees to withdraw the formal complaint allegation or allegations or the complaint is withdrawn as provided by law, except where the formal complaint allegation or allegations would not constitute Title IX sexual harassment.

Complainant and respondent may appeal the decisionmaker’s decision. The appeal must be submitted in writing within ten (10) calendar days after notification of the decision, and include specific reasons why the decision was improper.

President or designee shall review the record and determine whether to affirm or modify the decision.

The president or designee may interview complainant/respondent to obtain additional information.

The decision on the appeal must be made on a reasonable basis after a review of all evidence of record. The president or designee or complainant and title IX Coordinator must notify in writing of the decision.

Appeal decision exhausts the complainant’s and respondent’s administrative remedies under 1B.3 procedure.