## IDAHO K-12 TITLE IX PROFESSIONAL LEARNING COMMUNITY #5

TITLE IX: COMPLIANT GRIEVANCE PROCESS PT 4

Annie Hightower, Hightower Consulting, LLC
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Annie Hightower: Hightowerconsultingllc@gmail.com

#### FUTURE MEETINGS AND UPDATES

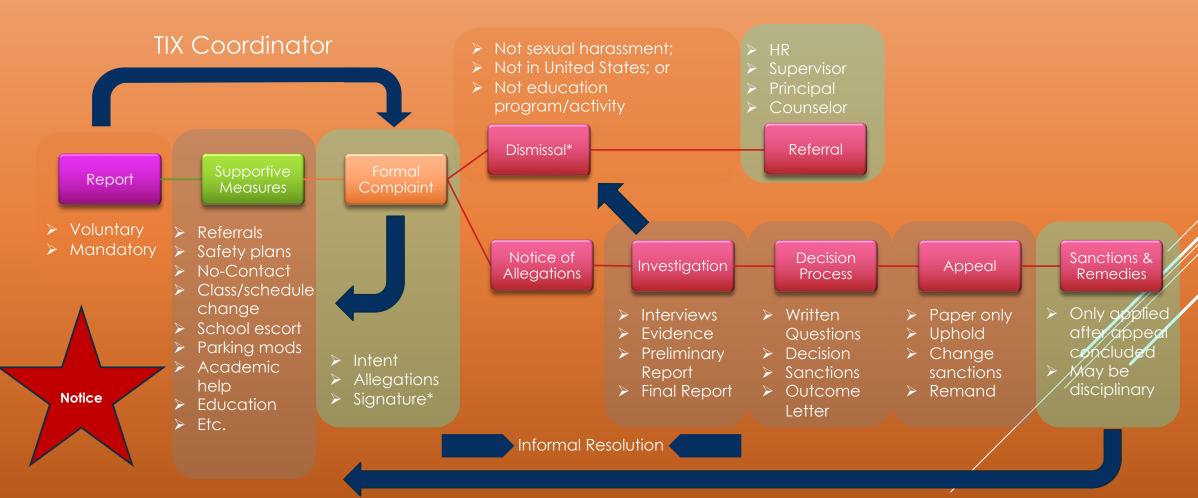
- ► May June second Tuesday each month
  - ▶ Each meeting is at 8am PT/9am MT for 1 hour
  - ► Exploring continuing through summer

▶ 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"



Annie Hightower - Hightowerconsultinglic@gmail.com

## 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?

hightowerconsultingllc@gmail.com