

HOW TO CONDUCT A PROPER COMPLAINANT INTAKE

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THE REGULATIONS



General Response to Sexual Harassment 106.44(a)



- A recipient with actual knowledge . . . must respond promptly in a manner that is not deliberately indifferent. . . .
- A recipient's response must treat complainants and respondents equitably by offering supportive measures as defined in § 106.30 to a complainant . . .

General Response to Sexual Harassment 106.44(a)



- The Title IX Coordinator must promptly contact the complainant to discuss
 - the availability of supportive measures as defined in § 106.30,
 - consider the complainant's wishes with respect to supportive measures,
 - inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and
 - explain to the complainant the process for filing a formal complaint

Unpacking Key Words



Actual
knowledge

Prompt

“Consider the
Wishes”

Information on
Supportive
Measures

Explain Formal
Complaint
Process

Supportive Measures



Counseling

Extensions of deadlines or other course-related adjustments

Modifications of work or class schedules

Campus escort services

Mutual restrictions on contact between the parties

Changes in work or housing locations

Leaves of absence

Increased security and monitoring

PRE-WORK



What do we know?

- Read intake report, incident reports etc.

Learn about the party

- Year, major, grades, department, organization, athlete
- Discipline history?

Additional decisions

- Mutual no contact
- Emergency removal
- Administrative leave

Be Prepared

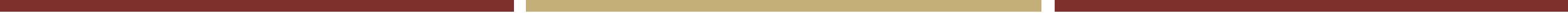
Who Else Needs to Know?



Clery obligations?



Evidence gathering?



Does your outreach differ depending upon the referral source?

THE MEETING



The Space



In person

- Accessible
- Table or desk?
- Tissues
- Fidget toys

Virtual

- Camera
- Privacy

Materials



Policy

Rights and
Options

Flowcharts

FERPA
waiver

Extra
computer

Complainant Checklist



Policy and
Procedures

Reporting
options (law
enforcement)

Medical
attention

Preserving
evidence

Supportive
measures

On-off
campus
resources

Mutual no-
contact
orders

Right to an
advisor

Free from
retaliation

Privacy

Explain the Process



Formal grievance process

- Standard of review
- Rights in the process
- Timing

Informal grievance process

- Voluntary
- Rights in the process
- Timing

Document, Document, Document



Checklist

Academic accommodations

Housing accommodations

Work accommodations

Mutual no contact

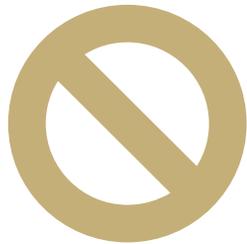
Resources

No accommodations requested

Resolution options

Signatures?

Formal Complaint



Do not want to sign

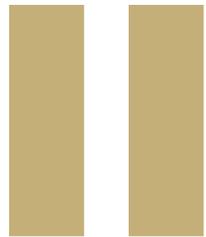


Want to sign during
the meeting



Unsure

Ending the Meeting



Give space



Tell them you will follow up and when



Outline next steps in the process

Post Meeting Decisions



Review Information

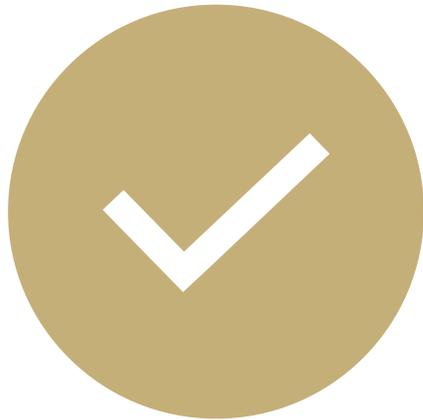
- Process
- Sign Formal Complaint

Supportive measures

Emergency removal

Administrative leave

Post Meeting Communication



CHECKLIST



SUPPORTIVE MEASURES



FORMAL COMPLAINT

Practice!



- Learner SS contacts her advisor and complains that Dr. K has been “looking at her breasts repeatedly during each class” and that she is now very uncomfortable and wants to change her class to a different section. The advisor contact you and shared what has been reported.
- Mr. L, a staff member in housekeeping, reports that on several occasions, his supervisor has made statements that were upsetting to him, including telling him to “that’s not how we do it in this country” and that he should “try to work on his English.” He also says the supervisor makes jokes about his (presumed) sexual orientation (the supervisor thinks he is gay.) He asks you, if possible, he could report to someone else so he can continue to work. If not, he will need to quit.
- Learner JJ states that he has had an on-again, off-again relationship with another learner, DC. The two “broke up” and since that time DC has been repeatedly calling, texting and showing up at JJ’s house and classes. JJ asks if you can make it stop.