

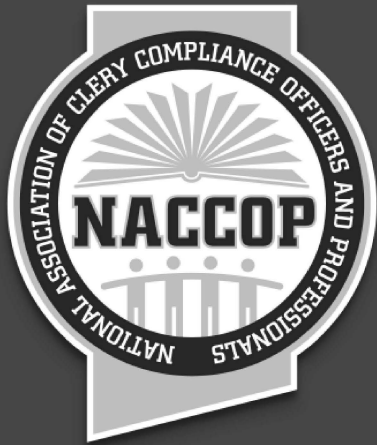


# How to Conduct a Proper Complainant Intake

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D. STAFFORD & ASSOCIATES & NACCOP

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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

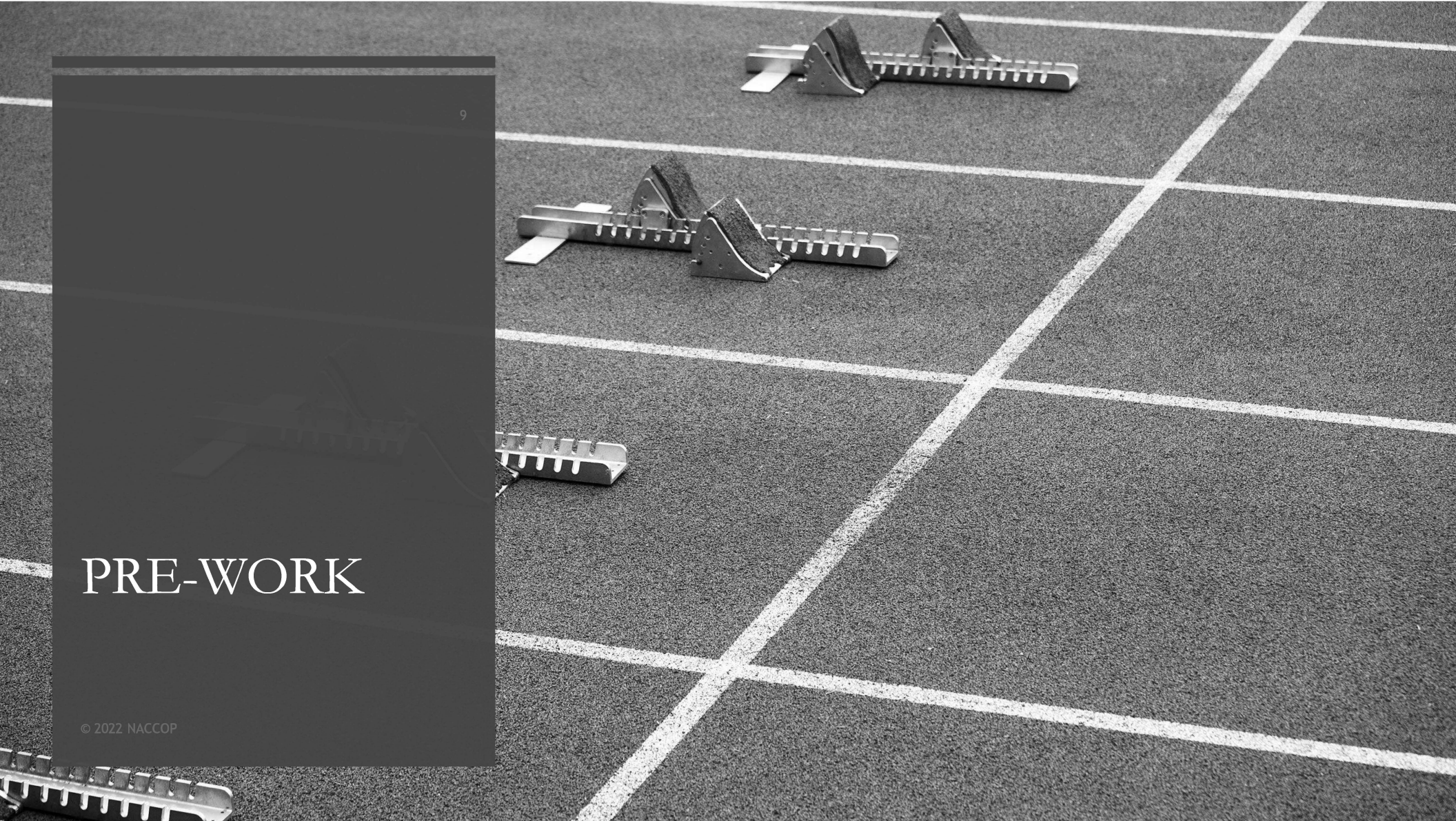
Mutual restrictions  
on contact  
between the  
parties

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

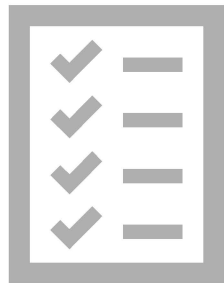
- Year, major, grades, department, organization, athlete
- Discipline history?

## Additional decisions

- Mutual no contact
- Emergency removal
- Administrative leave

**Be Prepared**

# Who Else Needs to Know?



**Clergy obligations?**



**Evidence gathering?**

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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

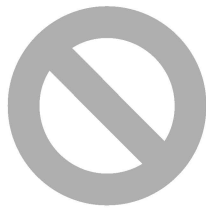
Resources

No accommodations requested

Resolution options

Signatures?

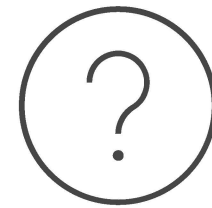
# Formal Complaint



Do not want to sign

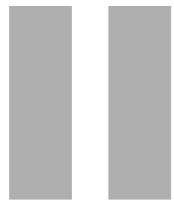


Want to sign during  
the meeting



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

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What if the Complainant does not respond?

# MEETING WITH THE RESPONDENT



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What differences might exist when meeting  
with the respondent?

# Meeting with the Respondent



## Pre-work

Report and additional information  
Party information



## Meeting

Space  
Materials  
FOCUS ON THE PROCESS, NOT THE INCIDENT

# Respondent Checklist



**Policy and  
Procedures**

**Preserving  
evidence**

**Supportive  
measures**

**On-off  
campus  
resources**

**Mutual no-  
contact  
orders**

**Right to an  
advisor**

**Free from  
retaliation**

**Privacy**

# Document, Document, Document



Checklist

Academic accommodations

Housing accommodations

Work accommodations

Mutual no contact

Resources

No accommodations requested

Resolution options

Signatures?



# Post Meeting Communication



**CHECKLIST**



**SUPPORTIVE MEASURES**

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What happens if the Respondent does not respond to your attempts at outreach?

Thanks to our  
sponsor!



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**Class (Virtual) to be held:**

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