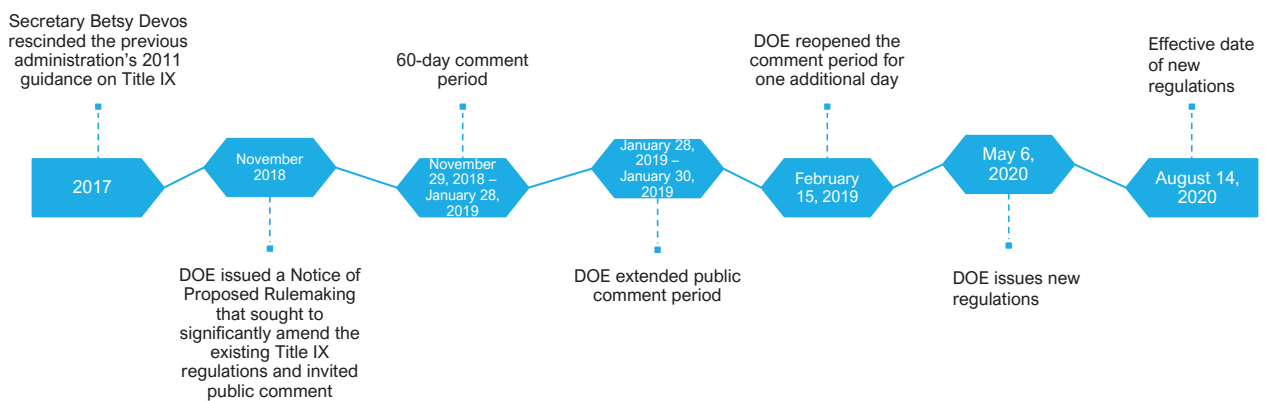


# Ensuring Impartiality in the Title IX Formal Complaint Process

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## How we got here



# Updated definitions of prohibited sexual harassment

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(1) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct (quid pro quo);



(2) Unwelcome sexual conduct on the basis of sex that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity (hostile educational environment); and



(3) Any instance of sexual assault (as defined in the Clery Act), dating violence, or stalking as defined in the Violence Against Women Act (VAWA).

## The new Title IX formal complaint process

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- The new regulations require districts to adopt a grievance process to respond to formal complaints of sexual harassment in the District's educational program.
- The regulations require specific steps to be taken by individuals with particular, specialized roles in the process.
  - The roles are: (1) Title IX Coordinator; (2) Investigator; (3) Decision-Maker; (4) Appeal Decision-Maker; and (5) Informal Resolution Facilitator.
- The formal complaint process must promote "unbiased, impartial determinations of fact based on relevant evidence."



## The parties in the formal complaint process

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**Complainant**—An individual who is alleged to be the victim of conduct that could constitute sexual harassment

- Any third party as well as the complainant may report sexual harassment
- While parents and guardians do not become complainants (or respondents), the Final Rule expressly recognizes the legal rights of parents and guardians to act on behalf of parties (including by filing formal complaints) in Title IX matters.

**Respondent**—An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment

## What constitutes a “formal complaint” of sexual harassment?

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A complaint form by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the recipient investigate the allegation of sexual harassment. 34 C.F.R. § 106.30(a).



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