How to Conduct a Proper Complainant Intake

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THE REGULATIONS

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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
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

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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

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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
What if the Complainant does not respond?
MEETING WITH THE RESPONDENT
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
Post Meeting Communication

CHECKLIST  SUPPORTIVE MEASURES
What happens if the Respondent does not respond to your attempts at outreach?
Thanks to our sponsor!

Upcoming D. Stafford Classes

- **Title IX Coordinator IN PERSON**
  - May 23-26, 2022
    Wentworth Institute of Technology in Boston, MA

- **Title IX Coordinator Training-VIRTUAL**
  
  Class (Virtual) to be held:
  
  October 10-14, 2022

For more information: dstaffordandassociates.com
Upcoming D. Stafford Classes

Investigation of Sexual Misconduct/DVDVS-VIRTUAL
April 25-29, 2022

Advanced Investigation in Sexual Misconduct Training-IN PERSON
June 13-17, 2022
Prince George’s Community College in Largo, MD (Outside Washington, D.C.)