



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



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

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



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

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