Title IX Sexual Harassment Training: The Formal Grievance Process Advisor EDITION

Understanding the Formal Grievance Process for Claims Arising Under Title IX

MARICOPA COMMUNITY COLLEGES
As an Advisor, you will provide guidance and assistance to your Advisees, but you are not required to advise students or employees who have not selected you as an Advisor on the Title IX Grievance Process.
Road Map

- Key Concepts
- Basic Procedural Requirements
- Informal Reporting
- Formal Complaint
- Preliminary Inquiry
- Informal Resolution
- Investigation

- Live Hearing
- Determination Regarding Responsibility
- Appeals
- Retaliation
- Recordkeeping
- Questions?
What Constitutes Sex Harassment?

• In your role as an Advisor, one of the most important terms you must understand as part of Title IX complaint process is what constitutes *sexual harassment* that would give rise to an investigation and potential disciplinary action.

• WHY—because the definition of sexual harassment has been narrowed by the Department of Education. Even still, that does not mean conduct that falls outside of the narrow definition cannot still be addressed.
An umbrella term:

- **Sexual harassment** is broadly defined as any of the following:
  - *Quid pro quo* harassment (an employee propositioning a benefit in exchange for sex or sexual favors)
  - Unwelcome conduct so severe, pervasive, and objectively offensive that it effectively denies an individual equal access to the college's education program or activity (hostile environment)
  - **Sexual assault**, dating violence, domestic violence, or stalking (as defined in the Clery Act/VAWA)
Key Concepts

- A college has jurisdiction over claims of sexual harassment when such conduct occurs in its *education program or activity*
  - This includes all locations, events and circumstances over which the college exercised substantial control, as well as all buildings owned or controlled by student groups
- *Actual knowledge* of sexual harassment obligates a college to respond promptly and in a manner that is not *deliberately indifferent*
Key Concepts

• Thus, to the extent a sexual assault is reported in the context of any college education program or activity, it will be covered by the Title IX procedures.

• If conduct is not covered under the new definition, it can be addressed under other conduct policies.

• Now, let's talk about the relevant parties to a potential Title IX grievance proceeding.