SEXUAL HARASSMENT/MISCONDUCT/ASSAULT
PROCEDURE TRACKING

Section 1: Formal Complaint

Date Received: _______________________  In Writing:  YES   NO
Signed by Complainant:  YES   NO  Signed by TIX Coordinator:  YES   NO
Complainant: ________________________  Respondent: _________________________

NOTE: College has 60 days from receipt of Formal Complaint to conduct dismissal analysis, determine whether to attempt Informal Resolution, and conduct Investigatory Interviews.

Section II: Analysis – Mandatory or Discretionary Dismissal?

YES   NO  Was the alleged conduct against a person located in the US?
YES   NO  Was the alleged conduct against a person participating, or attempting to participate in a College educational program or activity?
YES   NO  Was the alleged conduct during a College activity or program?
YES   NO  Did the College have substantial control over both the respondent and the context?
YES   NO  Did the alleged conduct happen at a College location or a location controlled by the College?

If any of these answers are “No” then the College must dismiss the Formal Complaint from TIX, but not Title 20-A Chapter 445.

If all of the answers were “Yes” then continue analysis:
YES   NO  Was the alleged conduct quid pro quo by an employee?
YES   NO  Was the alleged conduct severe, and pervasive, and objectively offensive?
YES   NO  Was the alleged conduct sexual assault, stalking, domestic violence, or dating violence?

If all of these answers are “No” then the College must dismiss the Formal Complaint from TIX, but not Title 20-A Chapter 445.

YES   NO  Has the complainant withdrawn the Formal Complaint, in writing?
YES   NO  Has the respondent left the institution (either no longer enrolled or employed)?
YES   NO  Have the circumstances prevented the institution from gathering evidence sufficient to reach a determination?

If any of these answers are “Yes” then the College may, in its discretion, dismiss the Formal Complaint.

Notice transmitted to Complainant and Respondent on: _______________________________

Appeal lodged within 2 days?   YES   NO  If yes, by which party?:_____________________________

Within 5 days:
YES   NO  Statement received from complainant?       YES   NO  Statement received from respondent?

Notice, appeal statements provided to Appeal Decision Maker on __________________________

Decision by Appeal Decision Maker received on __________________________

Decision transmitted to both parties on ______________________________
Section III: Proceeding Notice to Complainant and Respondent

YES  NO  Notice transmitted to complainant on: ________________
YES  NO  Is this a VAWA offense? If yes, provide VAWA support services notice.
YES  NO  Notice transmitted to respondent on: ________________

Section IV: Emergency Removal

YES  NO  College followed standard emergency removal protocols?
YES  NO  College completed individual safety and risk analysis?
YES  NO  College determined there was an immediate risk of physical health or safety to any person arising out of the allegations of sexual harassment?

Emergency Removal Notice transmitted on ________________

YES  NO  Opportunity to be Heard requested?
YES  NO  Opportunity to be Heard took place on: ________________
YES  NO  Post Opportunity to be Heard decision transmitted on: ________________

Section IV: Supportive Measures for Complainant and Respondent

Complainant accepted supportive measures:

YES  NO  Counseling. Implemented on: ________________
YES  NO  Deadline extensions. Implemented on: ________________
YES  NO  Other course-related adjustments (specify). Implemented on: ________________
YES  NO  Modification of course schedule. Implemented on: ________________
YES  NO  Modification of work schedule. Implemented on: ________________
YES  NO  Change in work assignment or location. Implemented on: ________________
YES  NO  Change in housing assignment or location. Implemented on: ________________
YES  NO  Increased security and/or monitoring of certain areas on campus. Implemented on: ________________
YES  NO  Mutual “no contact” agreements between parties. Implemented on: ________________
YES  NO  Leave of absence. Implemented on: ________________
YES  NO  Other (specify). Implemented on: ________________

Respondent accepted supportive measures:

YES  NO  Counseling. Implemented on: ________________
YES  NO  Deadline extensions. Implemented on: ________________
YES  NO  Other course-related adjustments (specify). Implemented on: ________________
YES  NO  Modification of course schedule. Implemented on: ________________
YES  NO  Modification of work schedule. Implemented on: ________________
YES  NO  Change in work assignment or location. Implemented on: ________________
YES  NO  Change in housing assignment or location. Implemented on: ________________
YES  NO  Increased security and/or monitoring of certain areas on campus.
Section V: Informal Resolution

YES  NO  Complainant signed agreement to attempt Informal Resolution?  Date received?: ________________
YES  NO  Respondent signed agreement to attempt Informal Resolution?  Date received?: ________________

Assigned Facilitator: _____________________________________
Date assigned: ________________

Party withdrawal from Informal Resolution? Date: ________________  Party: ________________
Notice of Formal Process transmitted to both parties on: ________________

YES  NO  Successful Informal Resolution?  Agreement signed by both parties on: ________________
If no, Notice of Formal Process transmitted to both parties on: ________________

Section VI: Investigation

Assigned Investigator: _____________________________________
Date assigned: ________________

YES  NO  Written notice before every meeting, interview, etc. with date, time, location, purpose

Draft report and materials received from Investigator on ________________

Directly related inculpatory and exculpatory evidence, draft report transmitted to both parties and respective advisors on ________________ via ________________
YES  NO  Within 10 business days received written response from complainant on ________________
YES  NO  Within 10 business days received written response from respondent on ________________

Final report received from Investigator on ________________
Final investigative report transmitted to both parties and respective advisors on ________________
YES  NO  Within 10 business days received written response from complainant on ________________
YES  NO  Within 10 business days received written response from respondent on ________________

Complete report and responses transmitted to Decision Maker on ________________

Section VII: Live Hearing

Assigned Decision Maker: _____________________________________
Date assigned: ________________

Notice of Live Hearing transmitted to both parties on ________________
YES   NO   Complainant will attend. Advisor name ________________________________

YES   NO   Respondent will attend. Advisor name ________________________________

YES   NO   Does either party need an advisor for the hearing? ________________________________
If yes, who is the advisor? ________________________________

YES   NO   Is the technology ready, including to make a recording?

YES   NO   Is the evidence ready and available for either party to access at the hearing?

YES   NO   Was the recording transmitted to both parties within 10 business days of the conclusion of the live hearing?
Recording transmitted on __________________________

Section VIII: Findings

Written findings report received from Decision Maker on __________________________

Written findings transmitted to both parties on __________________________

Section IX: Appeals

YES   NO   Appeal lodged within 2 days? If yes, by which party?: ________________________________
On what grounds? ________________________________

Within 5 days:
YES   NO   Statement received complainant? YES   NO   Statement received respondent?

Findings report, appeal statements provided to Appeal Decision Maker on __________________________

Decision by Appeal Decision Maker received on __________________________

Decision transmitted to both parties on __________________________

Notes: