

# Title IX Formal Resolution Process Flowchart

This document provides an overview of the *Title IX* Formal Resolution Process. For specific procedures, see the current *Title IX Complaint Resolution Process Handbook for Collin College Students and Employees* available at [www.collin.edu/titleix](http://www.collin.edu/titleix).

## Receipt of Complaint

- The *Title IX* complaint process is initiated by the alleged victim (hereafter referred to as the "complainant"), appropriate Title IX coordinator, deputy Title IX coordinator, or an official with the authority to institute corrective measures on behalf of Collin College.
- To file a complaint, the complainant contacts the appropriate Title IX coordinator or deputy Title IX coordinator, or submits the online form available at [https://collin.guardianconduct.com/incident-reporting?incident\\_type=Title IX Formal Complaint Form](https://collin.guardianconduct.com/incident-reporting?incident_type=Title IX Formal Complaint Form).
- If reported orally, the complaint is reduced to writing by the appropriate Title IX coordinator, deputy Title IX coordinator, or designee.
- The complaint must contain the complainant's actual or digital signature. If the complainant is not able or willing to sign the complaint, the appropriate Title IX coordinator, deputy Title IX coordinator, or designee may sign and submit the complaint in the complainant's stead.

## Notice of Supportive Measures

- The appropriate Title IX coordinator, deputy Title IX coordinator, or designee promptly contacts the complainant and offers supportive measures (i.e., appropriate advocacy and on- and off-campus resources, as outlined in Collin College's *Complainant's Rights, Options, and Supportive Measures* packet).
- These supportive measures and resources are available to the complainant whether or not they choose to file a formal complaint.
- In the event a formal complaint is filed and the appropriate Title IX coordinator, deputy Title IX coordinator, or designee determines an investigation should be initiated, supportive measures are also offered to the respondent (i.e., appropriate advocacy and on- and off-campus resources, as outlined in Collin College's *Respondent's Rights and Supportive Measures* packet).

## Determination to Proceed with an Investigation

- The appropriate Title IX coordinator, deputy Title IX coordinator, or designee determines whether the allegation(s):
  1. occurred while participating in or attempting to participate in Collin College's education program or activity, 2. impacted a person in the United States, and/or 3. if proven, would meet the definition of prohibited conduct.
- If the allegation(s) meet the criteria listed above, the appropriate Title IX coordinator, deputy Title IX coordinator, or designee assigns an appropriate individual(s) to investigate the complaint.
- If the allegation(s) should be addressed through another Collin College process, the appropriate Title IX coordinator, deputy Title IX coordinator, or designee forwards the complaint to the appropriate Collin College employee(s).
- If the allegations do not meet one (1) or more of the criteria listed above, the complaint is dismissed. Additionally, Collin College may dismiss a complaint at any time if: 1. the complainant would like to withdraw the complaint, 2. the respondent is no longer enrolled at or employed by Collin College, or 3. specific circumstances prevent Collin College from gathering evidence sufficient to reach a determination as to the complaint or allegation(s).

## Investigation

- The respondent is presumed to be not responsible for the alleged prohibited conduct until a written determination is made at the conclusion of the *Title IX* complaint process.
- The burden of gathering evidence and burden of proof falls on the investigator(s), not the parties.
- The investigator(s) notifies the parties of their rights and options.
- The investigator(s) meets separately with each party and their respective advisors (if the parties elect to provide their own advisors during this phase).
- The investigator(s) meets separately with each witness.
- The investigator(s) engages in an individualized safety and risk analysis to determine whether interim action(s) are appropriate and may recommend interim action(s) to the appropriate Title IX coordinator, deputy Title IX coordinator, or designee. If the interim action(s) include a removal (e.g., temporary immediate suspension, temporary removal from Collin College Student Housing, temporary employee administrative leave), the respondent has the right to challenge the interim action(s) immediately after the removal.

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### Investigation Report

- At the conclusion of the investigation, the investigator(s) writes an *Investigation Report* that fairly summarizes the investigation and includes all evidence directly related to the allegation(s).
- The investigator(s) or appropriate Title IX coordinator, deputy Title IX coordinator, or designee sends the parties and their respective advisors the *Investigation Report* in electronic format or hard copy, and gives them 10 College District business days to inspect, review, and respond to the document prior to finalizing it.
- The investigator(s) finalizes the *Investigation Report* at least 10 College District business days prior to the Live Hearing.
- The investigator(s) or appropriate Title IX coordinator, deputy Title IX coordinator, or designee notifies the parties and their respective advisors simultaneously in writing of the final *Investigation Report*, and sends a copy of the document to them in electronic format or hard copy.

### Live Hearing

- The investigation is followed by a Live Hearing.
- If a party is unable to obtain an advisor, the appropriate Title IX coordinator, deputy Title IX coordinator, or designee assigns an appropriate advisor to the party for the purpose of conducting cross-examination for the party during the Live Hearing.
- The appropriate Title IX coordinator, deputy Title IX coordinator, or designee notifies the parties and their respective advisors simultaneously in writing of the date, time, and place of the Live Hearing.
- Specific procedures for the Live Hearing, including time limits for statements, rebuttal, and cross-examination, will be provided to the parties and their respective advisors prior to the Live Hearing.
- The appropriate Title IX coordinator, deputy Title IX coordinator, or designee assigns an individual(s) from the pool of live hearing officers to conduct the Live Hearing.
- The live hearing officer(s) deliberates on the evidence, determines responsibility using the preponderance of the evidence standard (i.e., more likely than not to have occurred), and composes a *Written Determination of Responsibility*.

### Appeal

- Either the complainant or respondent may appeal the live hearing officer(s)'s determination within 10 College District business days on the following grounds: 1. procedural irregularity that affected the outcome, 2. new evidence not reasonably available that could affect the outcome, and/or 3. conflict of interest or bias by Collin College's participants that affected the outcome.
- The appropriate Title IX coordinator, deputy Title IX coordinator, or designee notifies the non-appealing party the other party has appealed and allows them to submit a written statement in response.
- The appropriate Title IX coordinator, deputy Title IX coordinator, or designee assigns the appropriate vice president or designee to serve as the appeal decision maker.
- The appropriate vice president or designee deliberates on the evidence, makes a determination using the preponderance of the evidence standard (i.e., more likely than not to have occurred), and composes an *Appeal Determination*.
- The appropriate vice president or designee's determination is final and non-appealable except when Expulsion of a student or Termination of an employee is recommended.

### Expulsion and Termination Appeals

- In cases where Expulsion of a student or Termination of an employee is recommended, either party may appeal by submitting a written request to the appropriate Title IX coordinator, deputy Title IX coordinator, or designee within 10 College District business days of the appeal decision maker's determination.
- The appropriate Title IX coordinator, deputy Title IX coordinator, or designee notifies the non-appealing party the other party has appealed and allows them to submit a written statement in response.
- The appropriate Title IX coordinator, deputy Title IX coordinator, or designee forwards all information regarding the case to the College District president or designee.
- The College District president or designee deliberates on the evidence and makes a determination to affirm, modify, remand, or reverse the recommendation for Expulsion or Termination.
- The College District president or designee's decision is final and non-appealable.