

# TITLE IX PROCESS

## FOR COMPLAINANTS & RESPONDENTS

### Information You Should Know

The U.S. Department of Education's Office for Civil Rights (OCR) enforces, among other statutes, Title IX of the Education Amendments Act of 1972. Title IX protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Complaints of sexual harassment, sexual assault, and any other form of sex-based discrimination fall under Title IX. The Technical College System of Georgia takes allegations of this nature very seriously. As such, TCSG will conduct thorough, neutral, fact-finding investigations into the complaints, and prevent opportunities for the behavior to reoccur.

There are several roles in a Title IX investigation:

**Complainant:** The party to the process who has experienced the alleged Title IX prohibited conduct at issue, and has brought the complaint forward.

**Respondent:** The person alleged to have engaged in the Title IX prohibited conduct.

**Title IX Coordinator:** An individual designated by the president of the college to ensure compliance with Title IX and the person who will receive Title IX complaints at the college.

**Title IX Investigator:** The person assigned by TCSG to investigate formal complaints under the Title IX procedure.

**Advisor:** A person who will attend the hearing with a party and conduct the oral cross-examination of the other party and witnesses. This person may also offer advice and support from the time the notice of formal complaint is issued and may attend any meetings involved in the investigatory process, but may not speak on behalf of the party during such meetings. The advisor may be chosen by the party and is permitted to be, but need not be, an attorney. If either party is unable to select an advisor, the college will furnish an advisor to the party.

**Decision-Maker:** A professional appointed by the TCSG Commissioner experienced and trained in adjudicating matters of civil rights, sexual harassment and/or sexual violence and trained on the Title IX procedure who will preside over the hearing and will issue the written determination regarding responsibility.

# TITLE IX INVESTIGATIVE PROCESS

1. Conduct prohibited under Title IX occurs.
2. A complaint is filed by the party impacted or on that party's behalf.
3. An official notice of investigation is issued to the Complainant and Respondent.
4. Both parties should obtain Advisors at this point to help guide them through the process. Advisors may be present at every stage but may only actively participate during the live hearing. If either party is unable to identify an Advisor, the college is responsible for furnishing that party with an Advisor.
5. An investigation is conducted by the TCSG Title IX Investigator, which includes interviews with all parties involved and the collection of pertinent evidence.
6. The investigation report is prepared and issued to the Complainant and Respondent.
7. If the Investigator determines the complaint should be dismissed, the Complainant may appeal at this point. If the Investigator determines the complaint should continue through the process, both parties have the right to respond, in writing, during a review and response period.
8. Following this review and response period, a date and time is set for a live hearing.
9. During the live hearing, both parties are allowed to cross examine the other party and all witnesses through their Advisors. The parties are not allowed to personally cross-examine each other. If requested, the parties can be separated into different rooms for the live hearing.
10. The Decision-Maker listens to the cross-examinations and may also conduct his/her own fact finding during the live hearing.
11. Following the live hearing, the Decision-Maker issues a written determination which makes findings of fact, rationale for decisions, sanctions to be imposed (if any), and explanation of the appeal process.
12. Either party may appeal the written determination to the TCSG Commissioner.
13. If appealed to the TCSG Commissioner, the Commissioner will review the written appeal documents from the parties, make a decision and that decision is final.

Title IX is specific to behavior and discrimination based on the protected characteristic of sex (gender). Complaints of discrimination based on other protected characteristics (race, color, religion, national origin, genetic information, age or disability) are equity complaints, and will be investigated by the Equity Coordinator at the college. Title IX investigations are not criminal investigations, but in cases of potential criminal behavior (ex. sexual assault), they may run parallel to a criminal investigation.

Should you have questions about Title IX or the investigative process, please contact the Title IX Coordinator at your college.