

TITLE IX Break Down: A 101 Student's Perspective

San Francisco State University

A.S. SURVIVOR SUPPORT PROGRAM

What is Title IX?

“The protection against discrimination on the basis of gender or sexual orientation includes sexual harassment, sexual misconduct, and gender-based dating and domestic violence, and stalking” <https://titleix.sfsu.edu/>

What Does it Mean to Report to Title IX?

By disclosing to a mandated reporter or reporting through the form below/ at the diversity & Equity office (located in the admin building), there is a formal report made to Title IX. To report can be followed by different avenues.

[Reporting Form](#)

Reporting to Title IX on our campus is called an “Administrative” Process of reporting (**more details below**), **if you wish to pursue a criminal reporting process that would be done through the city or University Police.**

What Does an “Administrative process” Mean?

By reporting to Title IX the outcomes of a possible investigation are set to the limitation of what the university oversees (ex. Academic probation, university housing, scholastic support ect). Please understand while this is not a “criminal” process you still have the right to have legal or emotional support/representation throughout the reporting process. STAY INFORMED about your rights through the reporting process.

STEP by STEP Reporting to TITLE IX

Title IX departments across the country must follow their executive orders. These are ours [Executive Order \(EO\) 1096](#), [EO 1095](#), [EO 1097](#). The following is a student's summary of executive orders and the steps of an investigation, full details are in the EO's

*KYR= (IMPORTANT "KNOW YOUR RIGHTS" SECTIONS)

For those who want an option outside of an Investigation: CAMPUS INFORMAL RESOLUTION PROCESS

The purpose of the Informal Resolution process is to explore whether the Complainant's concern can be resolved by the Campus without an investigation.([EO 1097](#))*

**KYR: It is not appropriate for a Complainant to be required to "work out the problem" directly or mediate with the Respondent. Mediation cannot be used, even on a voluntary basis, to resolve Sexual Misconduct, Dating or Domestic Violence, or Stalking Complaints, the DHR Administrator/Title IX Coordinator should inform the Complainant that the ability to take corrective action may be limited [EO 1097](#)*

BELOW IS FOR THOSE PURSUING AN INVESTIGATION

STEP 1

FORMAL COMPLAINT

*To report alleged violations, a **Student may submit a formal written Complaint** to the DHR Administrator (Discrimination, Harassment, and Retaliation) or Title IX Coordinator (Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking). The **date of receipt shall be deemed to be the Complaint filing date**. The DHR Administrator/Title IX Coordinator shall offer reasonable accommodations to Students who are unable to submit a Complaint because of a qualified Disability.*([EO 1097](#))*

STEP 2

The DHR Administrator/Title IX Coordinator will determine whether to open an investigation after making a preliminary inquiry into the allegations. [\(EO 1097\)](#)

STEP 3

Intake interview. The DHR Administrator or Title IX Coordinator shall meet with the Complainant as soon as possible, but no later than **10 Working Days** after the Complaint was received. The Complainant shall be available for and attend this meeting. [EO 1097](#)

- a. The meeting shall serve as the initial intake interview with the Complainant and will:
 - i. Explain the investigation procedure and timelines and answer any questions about them;
 - ii. Inform the Complainant of rights and options under this Executive Order, including the right to have a Support Advisor throughout the process;
 - iii. Provide the opportunity for the Complainant to complete and sign a Complaint form, if not already done; and,
 - iv. Discuss Supportive Measures, as appropriate.

KYR “Support Advisor.** The Complainant and the Respondent may elect to be accompanied by a Support Advisor to any meeting or interview regarding the Complaint.” [EO 1097](#)*

BRING REPRESENTATION OR SUPPORT. You are already going through enough, if not legal support, bring someone who can take in all the information and relay it to you so you are not overwhelmed

STEP 4

Complaint Accepted for Investigation.

The DHR Administrator or Title IX Coordinator will review all written Complaints and the information received during the intake interview with the Complainant. If the DHR Administrator or Title IX Coordinator determines that the Complaint falls within the scope of this Executive Order, [EO 1097](#)

*The Complainant will be notified within **10 Working Days** that the Complaint has been accepted for investigation and the timeline for completion of the investigation. [EO 1097](#)*

MAKE SURE THEY FOLLOW THE TIMELINE

STEP 5 (!!)

The Investigation

EO 1097:

- A. The DHR Administrator or Title IX Coordinator shall promptly investigate the Complaint or assign this task to another Investigator on a case-by-case basis.
- B. Both parties provide Witnesses and Evidence
- C. Investigator Provide each party with all (both parties) the evidence being brought forward {this can be incredibly traumatic, another reason to have legal/emotional representation to support you}
- D. Each Party has the right to RESPOND to evidence: **including presenting further relevant evidence, information or arguments that could affect the outcome**

KYR The investigation shall be completed no later than **60 Working Days after the intake interview, unless the timeline has been extended pursuant to Article V. E. The timeline should not be extended for a period longer than an additional **30 Working Days** from the original due date.EO 1097*

MAKE SURE THEY FOLLOW THE TIMELINE it is a violation of the policy if they do not, document it.

STEP 6

Investigation Report.

Within the investigation period stated above, the Investigator shall prepare an investigation report. EO 1097

STEP 7

Notice of Investigation Outcome.

Within **10 Working Days** of issuance of the final investigation report, the DHR Administrator or Title IX Coordinator shall notify the Complainant and Respondent in writing of the outcome of the investigation

[EO 1097](#)

Tips for Investigations

- 1) DOCUMENT everything. Send emails so there is a write trail of any possible administrative failures (ex. Timelines of investigation going over) and organize them so everything is in one place. Keep up to date information on the start of your investigation and the Universities timeline.
- 2) The timeline is 60-90 days but often takes MUCH LONGER, be prepared for that.
- 3) Highly encourage you to get [legal counsel](#) for your specific case to make sure you hit all the points. (<https://www.roclinic.org/> legal support).
- 4) Much of the investigation can be traumatic, make sure you have emotional support. [To find a therapist](#). Try to make sure the specialize in your experiences

**Written by Chantel Bermudez, 2021*