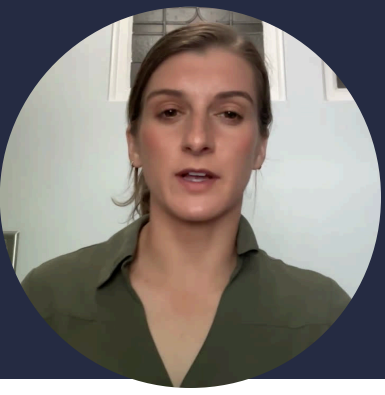


DELINIATING APPROACHES

ADRIENNE MATHIS



GRIEVANCE PROCEDURES



§106.45

Applies to all Title IX complaints

“Grievance procedures for the prompt and equitable resolution of complaints of sex discrimination.”

§106.46

Applies to specific Title IX complaints

“Grievance procedures for the prompt and equitable resolution of complaints of **sex-based harassment** involving **student** complainants or **student** respondents at **postsecondary institutions.**”



§106.45

Applies to all complaints of sex discrimination

To be implemented by all educational institutions (“recipients”)

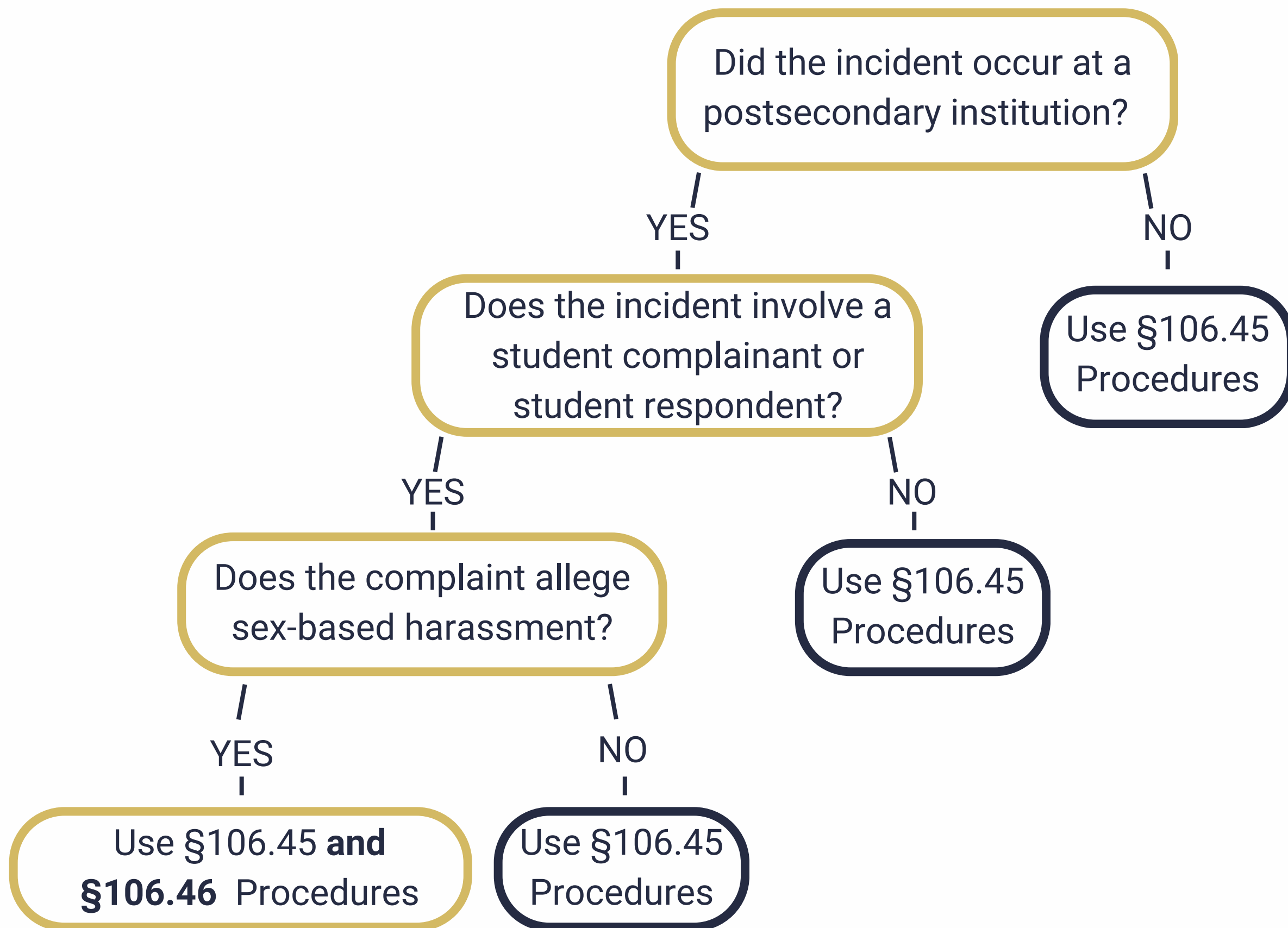
To be applied to all complaints of sex discrimination

- Including complaints of sex-based harassment, involving students and employees

§106.46

- To be at postsecondary institutions
- To be applied to complaints of sex-based harassment
 - Involving student complainants or student respondents
- Supplements the 106.45 grievance process

WHICH PROCEDURE SHOULD I USE?



Always refer to your school's Title IX policy! This graphic demonstrates the Regulatory requirements. Schools may elect to use §106.46 procedures to address additional complaints.



Postsecondary Institutions must
implement both §106.45 and
§106.46 grievance procedures

SCENARIO

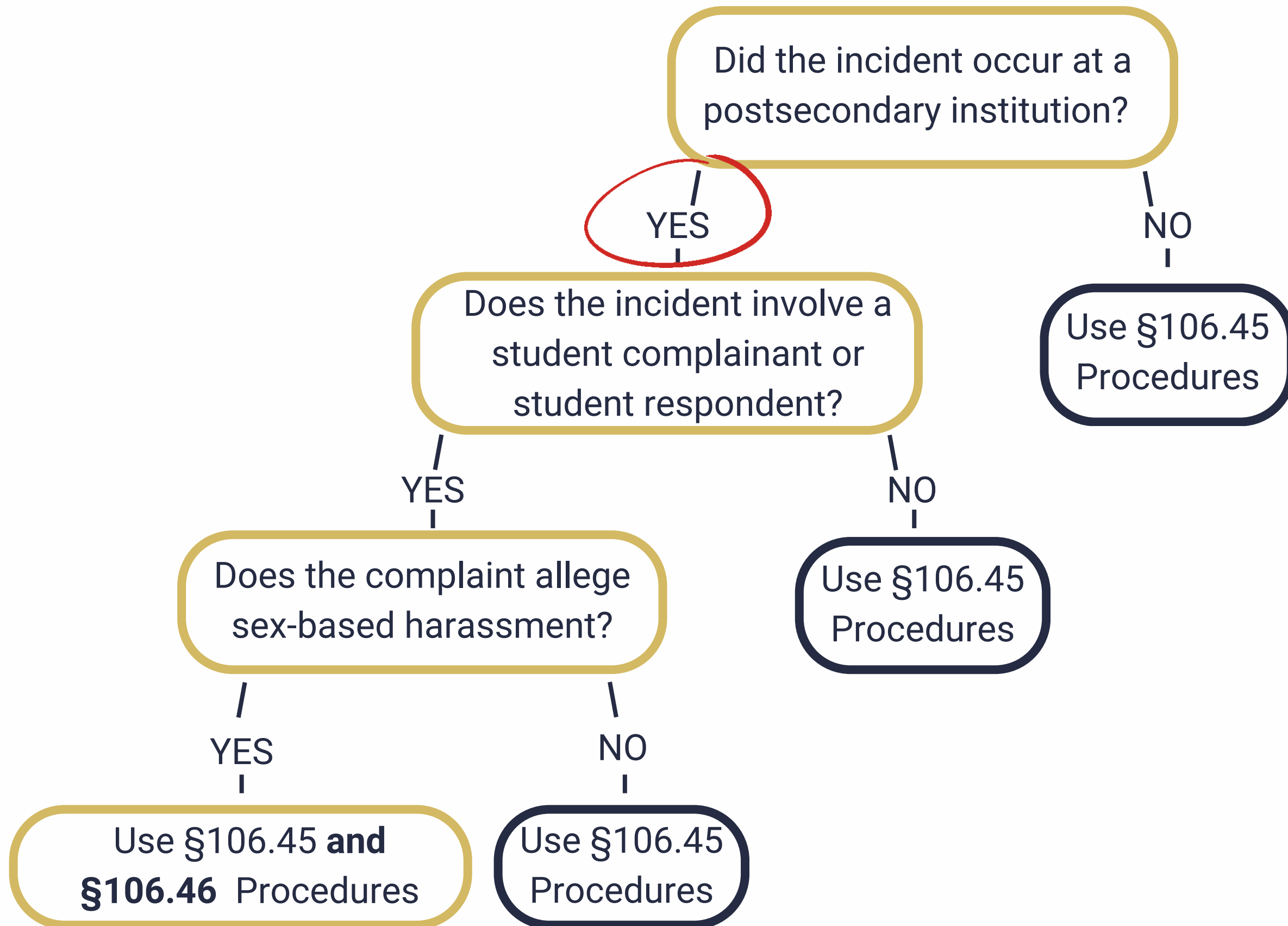
1

Sam reported that they were sexual assaulted in their on-campus university dorm room by Ryan. They both had a couple of beers, but Sam said neither of them was drunk. They had been kissing, which Sam said was consensual, but then Ryan began touching Sam's genitals even though Sam repeatedly said "no" and pushed Ryan's hand away. Sam said Ryan then raped Sam. Sam is a freshman, and Ryan is a junior. No one else was present. Sam said this happened on Saturday night around 1:00 am.

Which grievance process would you use to address this complaint?

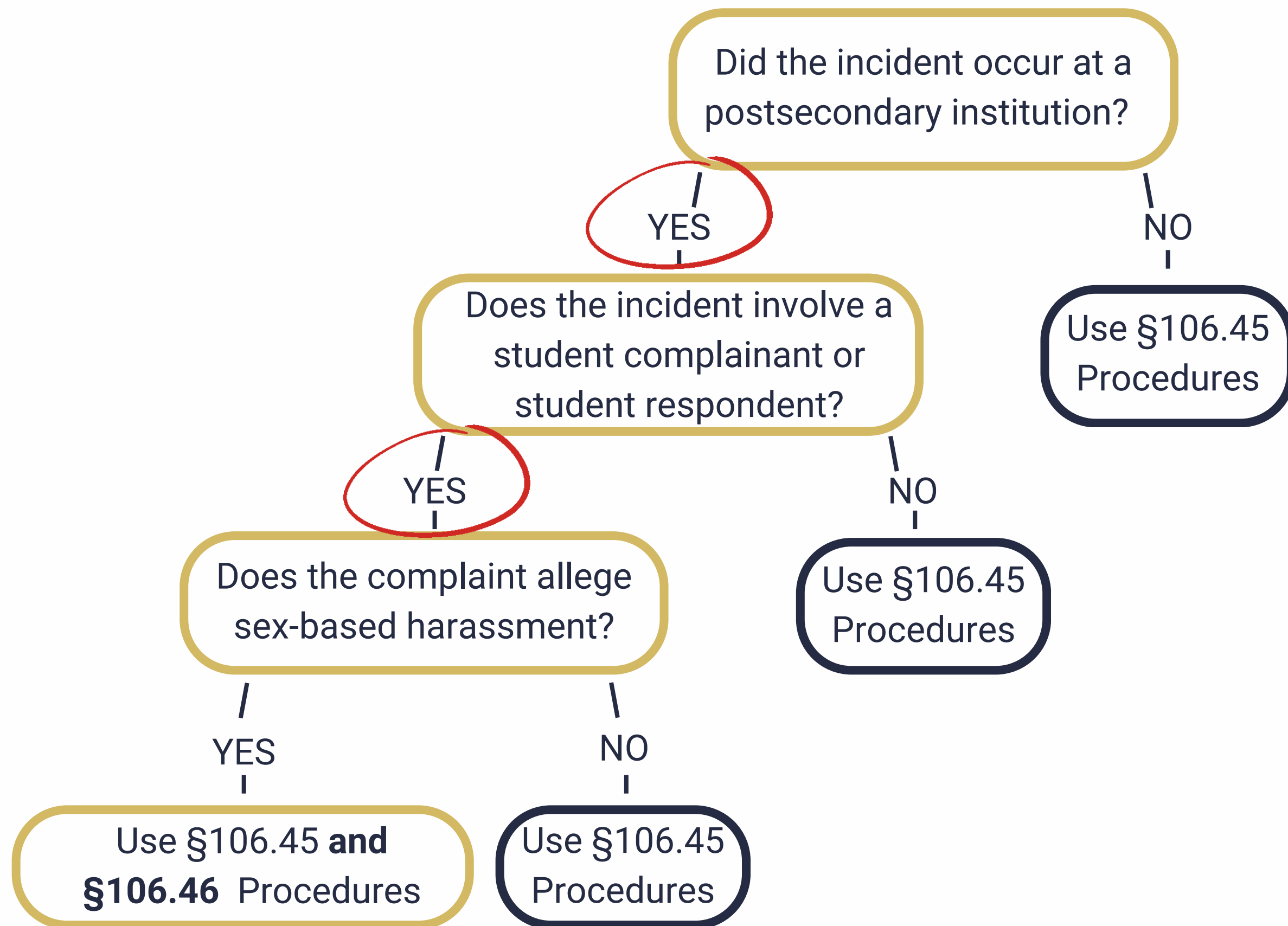


WHICH PROCEDURE SHOULD I USE?



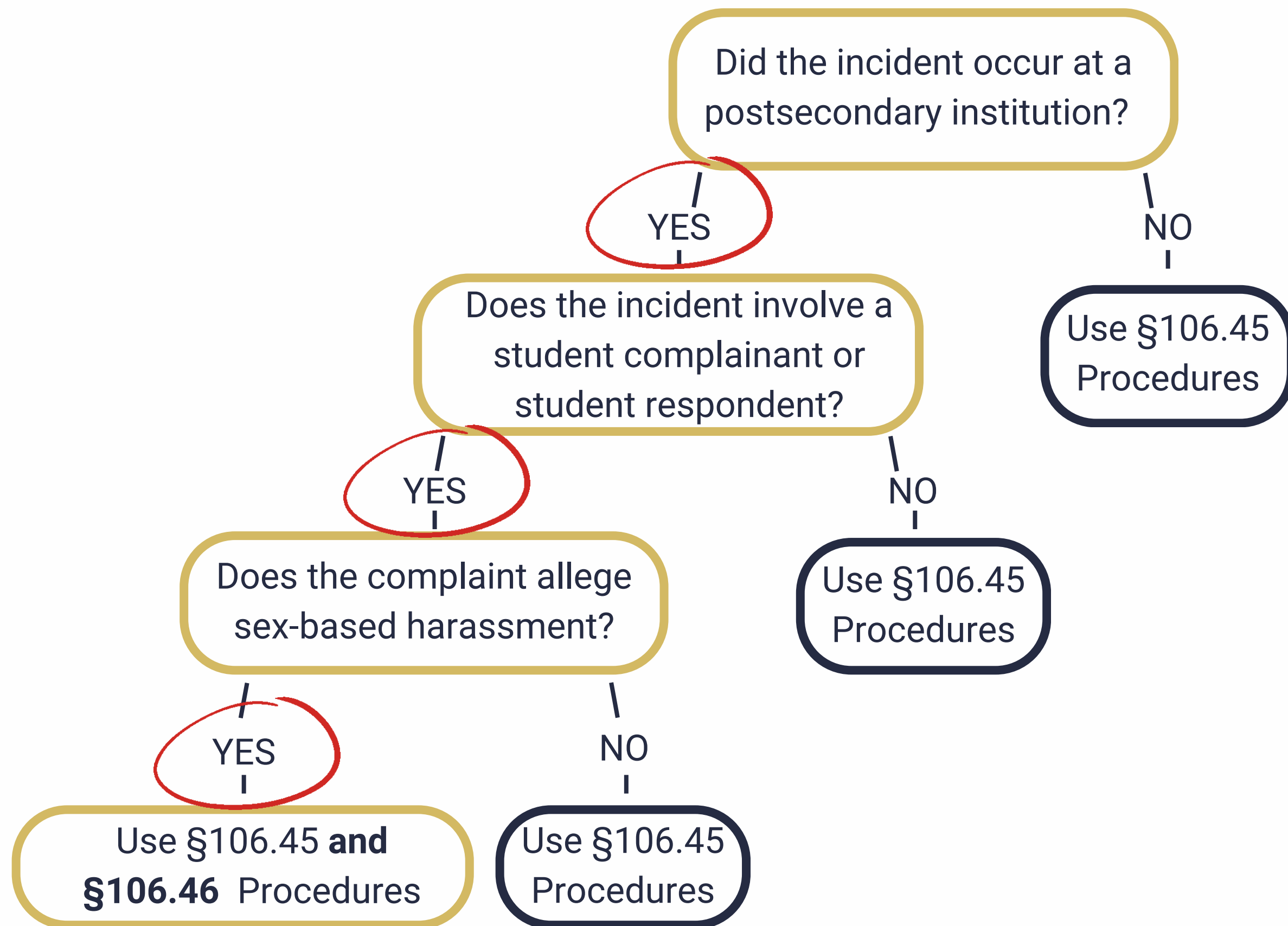
Always refer to your school's Title IX policy! This graphic demonstrates the Regulatory requirements. Schools may elect to use §106.46 procedures to address additional complaints.

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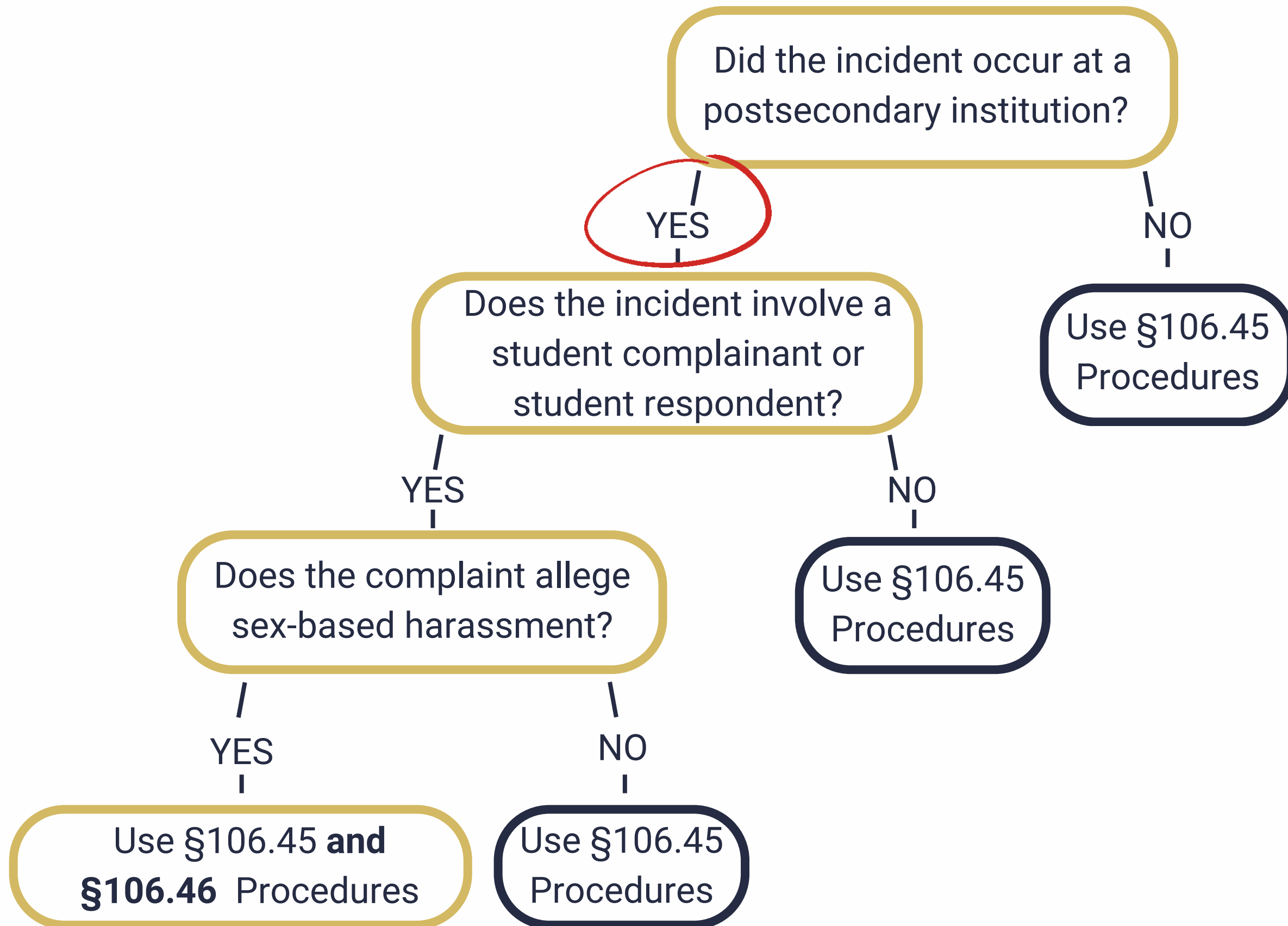
2

Taylor, an associate professor, reported that they have been receiving sexually explicit text messages from their chair, Alex. Taylor said the texts include graphic descriptions of sexual activities, and Alex has also sent two videos of themselves masturbating. Taylor is extremely distressed and has told Alex to stop, but the texts have continued. Alex was involved in Taylor's hiring process.

Which grievance process would you use to address this complaint?

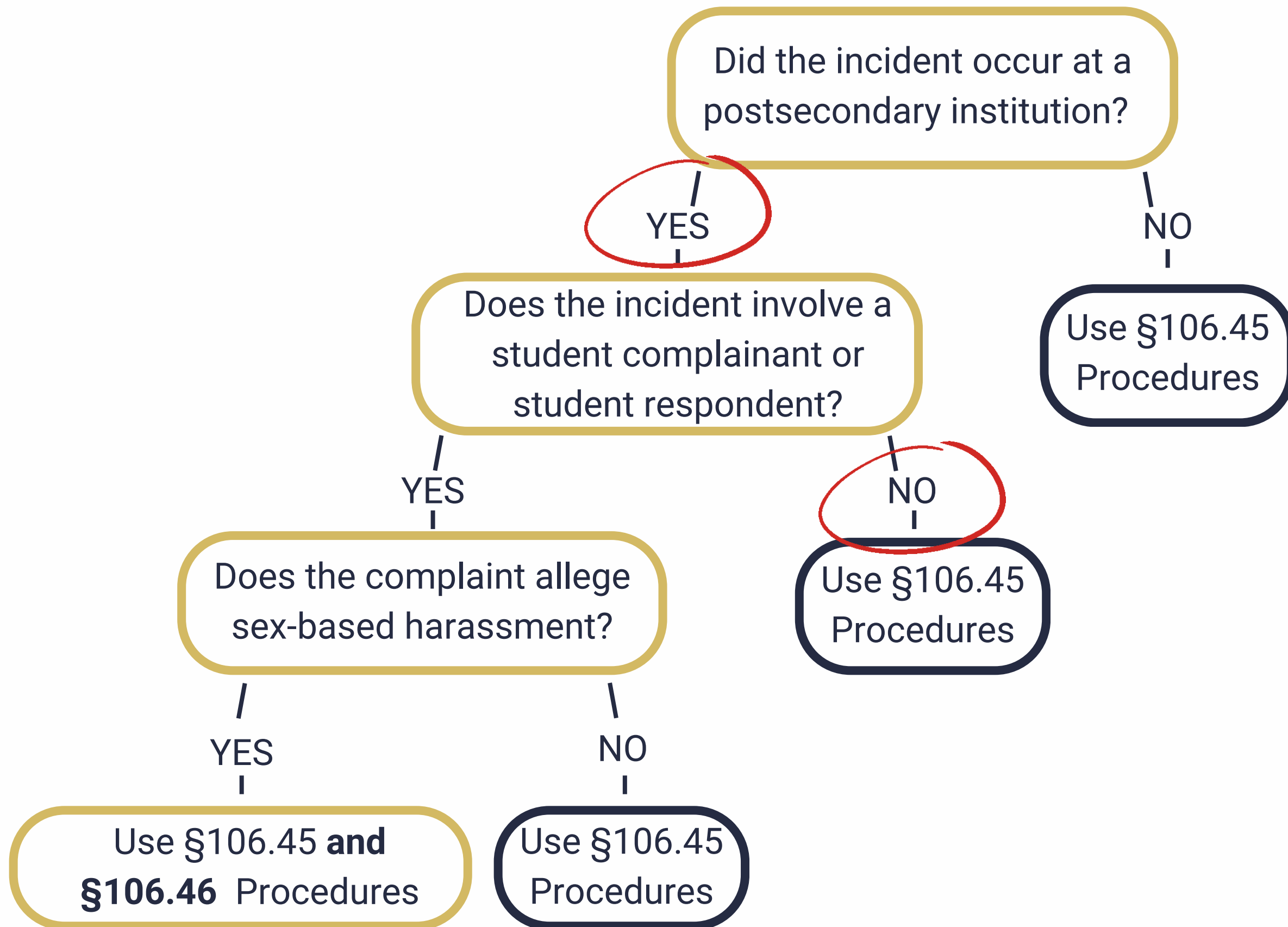


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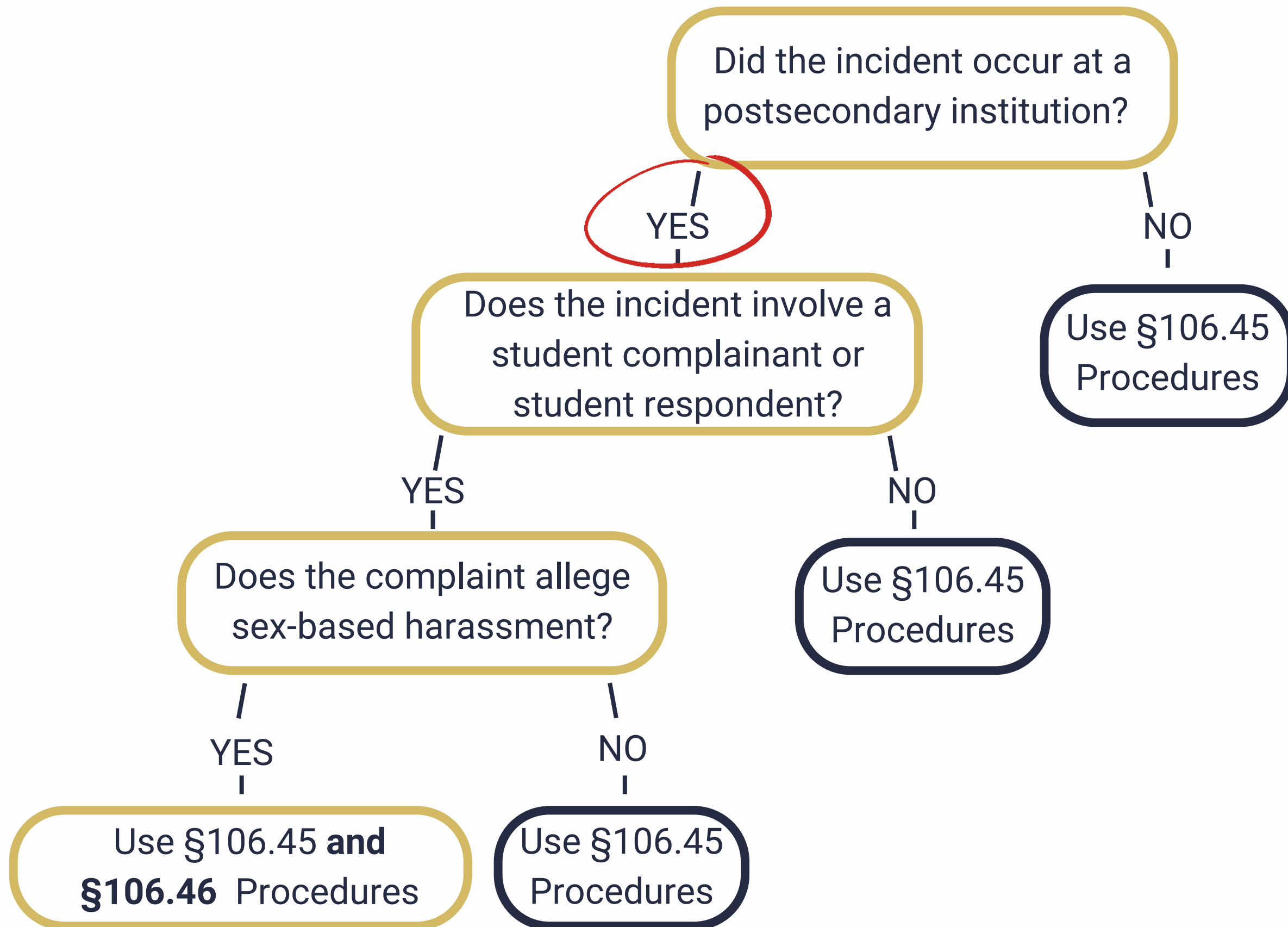
3

Clara, a Ph.D. student in biology, took two days from her studies to give birth. Unfortunately, these days coincided with her lab practicum, an essential end-of-semester assessment. Upon returning to school, her professor informed her that her absence would not be excused and that as a result, she would fail the class. Clara later discovered that her classmate, Dave, had been excused from the same practicum for five days due to illness and did not face any penalties for his absence.

Which grievance process would you use to address this complaint?

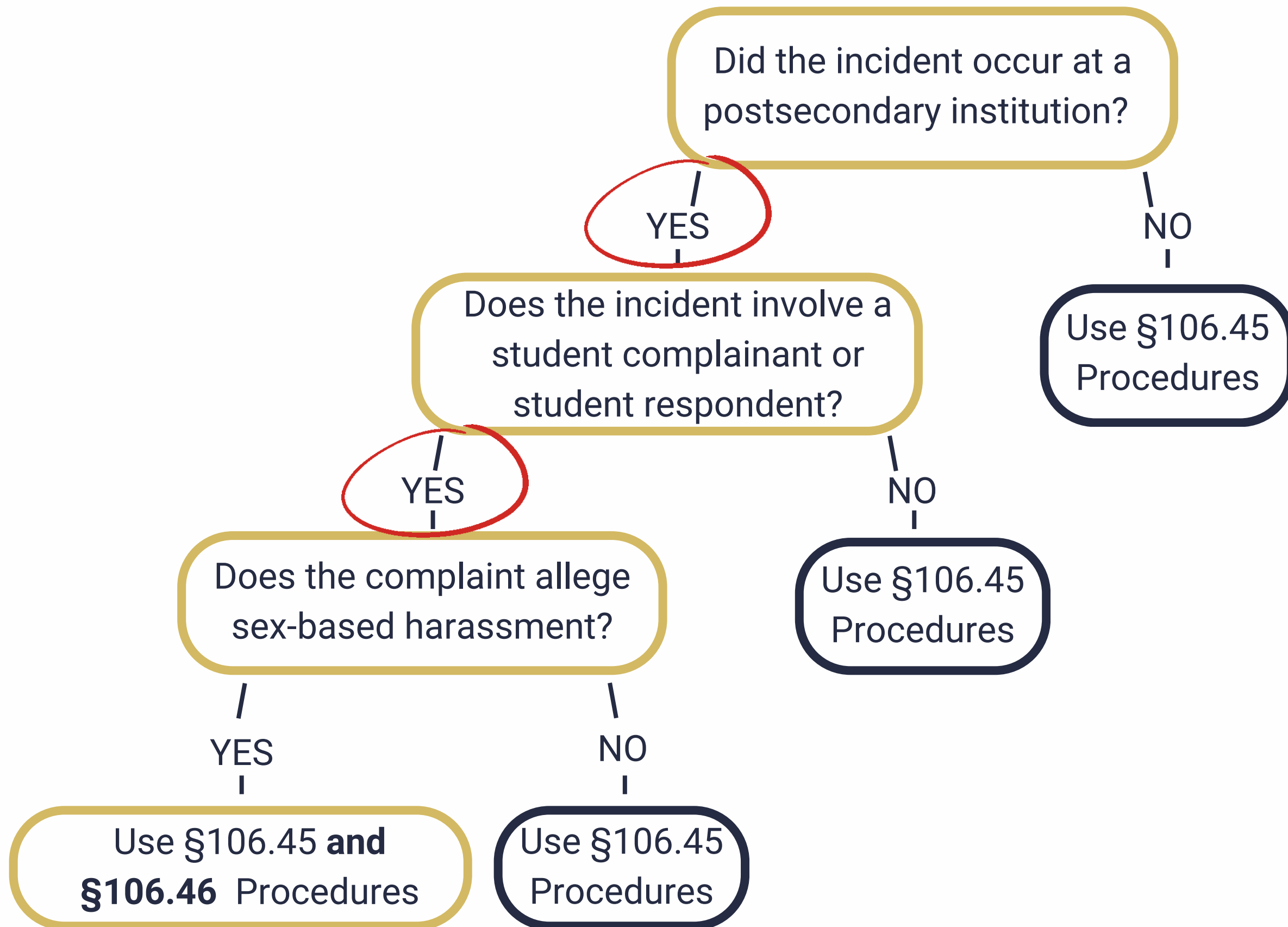


WHICH PROCEDURE SHOULD I USE?



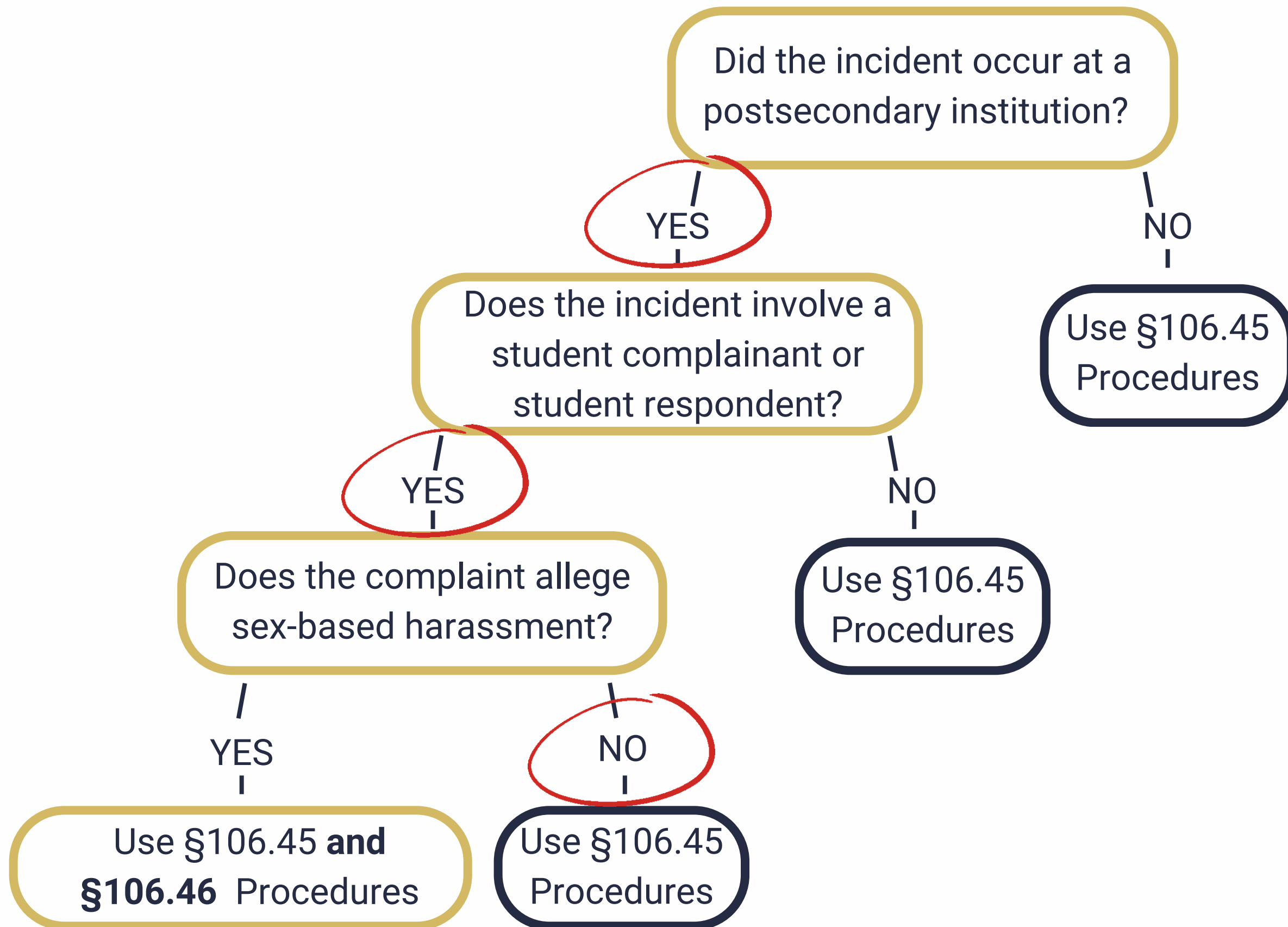
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