A THOMPSON & HORTON

TITLE IX TIDBIT

Campus DOs and DON'Ts

So... you've learned about potential sex-based misconduct, including harassment at your school. What do you do next?

Contact your school's Title IX Coordinator

DOs

DO ASSESS SAFETY

- If the student is in immediate danger, or is an immediate danger to self or others, remove the student from the environment. Move the student to a safe area with adequate supervision.
- Immediately contact the Title IX Coordinator.

DO MAKE NEEDED CONTACTS

Law enforcement: If the allegations include a serious crime or illicit evidence needs to be collected or preserved.

Medical Personnel: If the allegations involve an injury.

Parent(s)/guardian(s): Follow standard policy/practice.

DO COMPLETE MANDATED REPORTING

Law Enforcement or Child Protective Services (CPS)

- Any person who has cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect shall immediately make a report as required by law to law enforcement or CPS.
- Reports must be made immediately, but no later than 48 hours of the initial suspicion of abuse or neglect.

DO CONSIDER SPECIAL EDUCATION

If a party is a student with a 504 plan or an IEP, contact the relevant special education administrator to consider impacts on special education placement and services.

DON'Ts

DON'T "INVESTIGATE"

- No campus employee should investigate allegations of sex-based misconduct until the Title IX Coordinator decides whether Title IX applies.
- Do not conduct investigative interviews or ask for witness statements.
- Do not ask for or collect evidence.

DON'T DISCIPLINE

- Do not discipline either party, the alleged victim or the alleged perpetrator of sex-based misconduct.
- While you can "assess safety" for immediate and temporary steps to take to keep your community safe, discipline is not permissible at this stage.
- Contact the Title IX Coordinator, who will evaluate potential emergency removal from school or activities.

DON'T VIOLATE CONFIDENTIALITY

- Do not tell the alleged perpetrator the alleged victim's name or that a report has been made.
- The school cannot share such information until the Title IX Coordinator says Title IX is not implicated, a Title IX formal complaint is filed, or the alleged victim and their parent(s)/guardian(s) allow such disclosure.

Thompson & Horton LLP
thompsonhorton.com • titleixtips.com