

## TITLE IX COMPLAINT PROCEDURE

### Title IX Non-Compliance Complaints

It is the policy of the Glendale Community College District to develop and practice reasonable and effective means of resolving difficulties which may arise among employees or students of the Glendale Community College District regarding Title IX complaints. This complaint procedure has been established to provide for the prompt and equitable adjustment of such complaints. The most effective solution is found when difficulties are resolved at or close to the point of origin.

#### A. Definitions

1. Title IX: Federal regulations implementing Educational Amendments of 1972. The governing clause of Title IX provides that "...No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any education program or activity receiving federal financial assistance..." Title IX requires the adoption and publication of a grievance complaint procedure for prompt and equitable resolution of student and employee complaints of sex discrimination.
2. Compliance Areas:
  - a. Employment – Includes pre-employment application, recruitment, selection, transfer, promotion, layoff, termination, rehiring, job assignment, classification, leaves of absence, rate of pay, and fringe benefits.
  - b. Education Programs and Activities – Includes course offerings, accessibility to classes, equal treatment of students, and comparable facilities.
  - c. Counseling and Guidance – Includes counseling of students, use of appraisal and counseling materials and student enrollment in classes.
  - d. Athletics – Includes use of facilities, standards of individual performance, opportunity for participation, equal athletic opportunity, scheduling of games and practice time, and compensation for coaches.

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3. Complainant(s): Includes employees and students of the District. Employee organizations are precluded from filing class action complaints on behalf of their members.
4. Respondent(s): The person(s) who have allegedly violated or misapplied a specific provision of Title IX and who is named in the formal complaint.
5. Title IX Complaint: A Title IX Complaint is a properly filed written statement that there has been a misapplication or violation of a specified provision of Title IX, and that by such misapplication or violation, the complainant(s) rights have been adversely affected. The formal complaint must be filed on the official "Title IX Complaint Form" provided by the Office of the District Title IX Coordinator. The complaint must contain all of the following information:
  - a. Name(s) of the complainant(s)
  - b. Name(s) of the respondent(s)
  - c. Date of filing the complaint
  - d. Specific section(s) of Title IX alleged to have been violated or misapplied
  - e. Facts related specifically to the non-compliance complaint
  - f. Delineation of efforts by the complainant taken to resolve the problem prior to filing of the formal complaint
  - g. Identification of the Title IX non-compliance areas
  - h. Remedial action sought by the complainant

A formal complaint may be withdrawn at any time. However, once withdrawn, that specific complaint may not be presented again by the complainant.

6. Glendale Community College District Title IX Compliance Committee: A committee composed of the Glendale Community College District Title IX Coordinator and the Area Title IX Coordinators.

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7. Glendale Community College District Title IX Review Board: A representative committee to adjudicate formal Title IX complaints.
  - a. Composition The Title IX Review Board shall consist of six (6) members: Two (2) faculty members; One (1) student representative; One (1) classified member; One (1) administrative member; and the Glendale Community College District Title IX Coordinator, who shall serve as a non-voting resource member.
  - b. Chairperson The procedures for the selection of the Chairperson shall be determined by the members of the Glendale Community College District Title IX Review Board. A Chairperson shall be selected to preside at each Glendale Community College District Title IX Complaint Hearing.
  - c. Method of Selection
    - (1) The Faculty Senate shall submit five (5) names of faculty members.
    - (2) The Associated Student Body shall submit three (3) names of students.
    - (3) The Classified Employees shall be given the opportunity to apply for membership on the Title IX Review Board. Three (3) names shall be selected by lottery for the process of selection of the review board as indicated in (6) below.
    - (4) The Superintendent/President's Cabinet shall submit two (2) names of administrators.
    - (5) The list of nominees for prospective service on the Title IX Review Board shall be completed within thirty (30) days subsequent to the opening date of school for the ensuing academic school year. The members of the Glendale

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Community College District Review Board shall serve for one academic school year.

- (6) Subsequent to the filing of a formal complaint, the selection for membership on the Title IX Review Board to hear the case shall be determined by lot conducted by the Glendale Community College District Title IX Coordinator.
- (7) The drawing of lots shall result in a Review Board membership with equal male and female representation from the four representative groups.
- (8) No person shall serve concurrently on more than one (1) Title IX Review Board.

B. Procedures for Resolving Problems and Processing Title IX Complaints

Level One Problems should be discussed by the parties directly involved. A frank and prompt talk between the parties at the point of origin is generally the most effective way of dealing with the problem.

Level Two If the parties involved are unable to resolve the problem through discussion they must seek advice and resolution of the problem from the appropriate compliance Area Title IX Coordinator. The appropriate Area Title IX Coordinator must, within seven (7) working days from the time of the request from the parties, arrange a joint meeting to ensure that both parties have ample opportunity to state their position regarding the complaint.

Level Three If the problem is not resolved, the complainant may file a formal written Title IX Complaint to the Glendale Community College District Title IX Coordinator.

A Title IX Complaint must be filed in the office of the Glendale Community College District Title IX Coordinator within thirty (30) working days after the event giving rise to

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the complaint. Failure of meeting this time restriction shall constitute waiver of the complaint. Any complaint filed outside of the academic year shall be carried over for processing to the following academic year.

After receipt of the formal written Title IX complaint, the Glendale Community College District Title IX Coordinator must within ten (10) working days, arrange for and conduct a meeting with the complainant, respondent, and Area Title IX Coordinator to review the issues under dispute. At this meeting, the Glendale Community College District Title IX Coordinator shall attempt to mediate the dispute between the parties and attempt to resolve the problem. If the result of this effort is not satisfactory to the complainant she/he may withdraw the complaint or proceed to level four of these procedures.

Level Four

If the complaint is not resolved, the complainant may request a formal Complaint Hearing. Such a request must be made in writing and submitted to the Glendale Community College District Title IX Coordinator within seven (7) working days after the date of the meeting provided at level three.

The Glendale Community College District Title IX Review Board will convene a formal hearing within twenty (20) working days of receipt of a written complaint. Procedure for the conduct of the hearing shall be determined by the Glendale Community College Title IX Review Board.

At the formal hearing both sides will be permitted to submit evidence, present witnesses, testify and cross-examine. Each side may be represented by counsel chosen from the college community (i.e. faculty member, student, classified employee, administrator).

The person making the complaint shall assume the burden of proof regarding the alleged complaint.

The Glendale Community College District Title IX Review Board will record its decision and the recommendations in writing within twenty (20) working days after the last hearing date. A copy of the decision and recommendation will be provided to the complainant, respondent, District Title IX

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Coordinator, and Superintendent/President of the Glendale Community College District. Upon final hearing and recommendations, the complainant and respondent will be informed of the decision (date to be established).

- C. Procedures of Appeal by Glendale Community College District Board of Trustees.
1. Either party to the complaint may appeal the decision of the Glendale Community College District Title IX Review Board to the Glendale Community College District Board of Trustees in writing within ten (10) working days after the receipt of the decision. A copy of the appeal shall be provided to the Superintendent/President of the Glendale Community College District and the Glendale Community College District Title IX Coordinator. Failure of either party to appeal the decision within the specified time shall constitute acceptance of the decision rendered.
  2. Should a request for an appeal be made by either party, the Glendale Community College District Board shall review the decision at its earliest convenient opportunity.
  3. The decision of the Glendale Community College District Board of Trustees shall be communicated to both parties to the complaint, with copies to the Superintendent/President of the Glendale Community College District, and the Glendale Community College District Title IX Coordinator.
  4. The decision of the Glendale Community College District Board of Trustees shall be binding except that no rights of the complainant to further legal action are abrogated.

D. Implementation

The Superintendent/President of the Glendale Community College District is responsible for implementing the recommendations of the Title IX Review Board unless an appeal is filed. In such cases the implementation shall await the results of the appeal to the Board of Trustees.

E. Records

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1. All official records directly related to the complaint shall be stored in the office of the Glendale Community College District Title IX Coordinator.
2. Access to these records by anyone other than the parties to the complaint shall be upon direct authorization of the Glendale Community College District Board of Trustees.

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Adopted: 3/8/77  
Revised: 3/31/83