

# INTERIM GRIEVANCE PROCEDURES FOR SEXUAL HARASSMENT

HAWAII STATE DEPARTMENT OF EDUCATION  
OFFICE OF TALENT MANAGEMENT  
CIVIL RIGHTS COMPLIANCE BRANCH  
2021

# TITLE IX OF THE EDUCATIONAL AMENDMENTS OF 1972

“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.”

20 U.S.C. §1681(a)



# NEW TITLE IX REGULATIONS

What does this mean for the HIDOE?

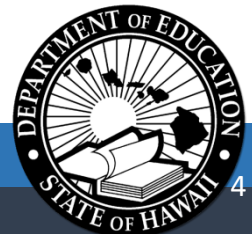
These are new federal regulations that have the effect of law. All educational programs and activities that receive federal funding must adhere to these new regulations.



# NEW TITLE IX REGULATIONS

Creates a process of addressing reports/complaints of sexual harassment where the HIDOE must:

“... respond promptly and supportively to persons alleged to be victimized by sexual harassment, resolve allegations of sexual harassment promptly and accurately under a predictable, fair grievance process that provides due process protections to alleged victims and alleged perpetrators of sexual harassment, and effectively implement remedies for victims.”



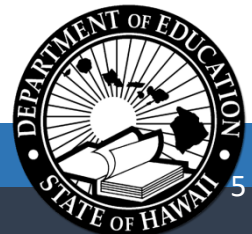
# ROLES AND RESPONSIBILITIES

## Civil Rights Compliance Branch:

- Contact the complainant to do an initial assessment, discuss supportive measures, and explain the formal complaint process.
- Investigate formal complaints of sexual harassment that fall under the Interim Procedures.
- Be part of a Decision-Making Panel regarding formal complaints of sexual harassment that fall under the Interim Procedures.

## Administrators and Supervisors:

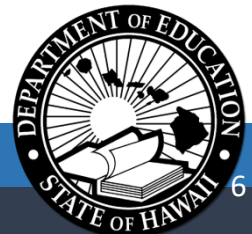
- Be part of the Decision-Making Panel regarding formal complaints of sexual harassment that fall under the Interim Procedures.
- Be a designated decision-maker for appeals that fall under the Interim Procedures.



# DEFINITIONS – SEXUAL HARASSMENT

Conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the HIDOE conditioning the provision of an aid, benefit, or service of the HIDOE on an individual's participation in unwelcome sexual conduct;
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the HIDOE's education program or activity; or
- (3) "Sexual assault," "dating violence," "domestic violence," or "stalking."

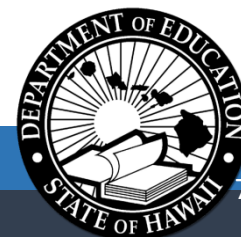


# DEFINITIONS — ACTUAL KNOWLEDGE

## Actual Knowledge

Means notice of sexual harassment or allegations of sexual harassment to any employee of an elementary and secondary school.

- When any HIDOE employee has notice of sexual harassment or allegations of sexual harassment, they must report such knowledge to their administrator or supervisor.
- Administrators and supervisors, must then report to the Civil Rights Compliance Branch (CRCB).



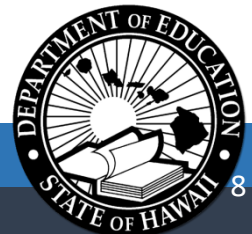
# REPORTS OF SEXUAL HARASSMENT

Any individual may make a report of sexual harassment.

Methods of reporting include communication via:

- In-person
- E-mail
- Mail
- Telephone

Reports may be made directly to the Title IX Coordinator or any HIDOE employee, including school administrators, faculty, and staff.



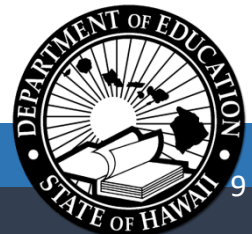


# RESPONSE TO SEXUAL HARASSMENT

- When the HIDOE has “actual knowledge” of the sexually harassing conduct, the HIDOE cannot respond in a manner that is deliberately indifferent.

Deliberate indifference = Response to sexual harassment is clearly unreasonable in light of the known circumstances.

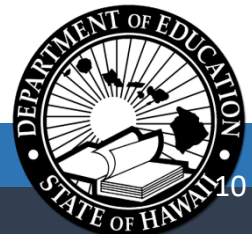
- Our response to complaints of sexual harassment must treat complainants and respondents equitably.
  - Offer complainants supportive measures.
  - Follow a grievance process that complies with the interim procedures prior to imposing any sanctions on the respondent.



# RESPONSE TO SEXUAL HARASSMENT

Upon receipt of the report, the following steps must be taken:

- 1.The complainant must be contacted to discuss supportive measures;
- 2.The complainant must be informed of the availability of supportive measures with or without filing a formal complaint; and
- 3.The process for submitting a formal complaint must be explained to the complainant.



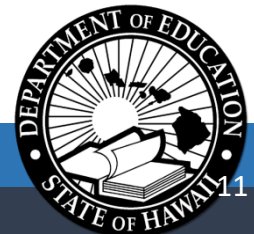
# FORMAL COMPLAINT

## Formal Complaint

- Written or electronic submission signed by the complainant, or otherwise indicates that the complainant is the one requesting an investigation.
- For a formal complaint to be investigated, the formal complaint must meet certain jurisdictional requirements.
- If the requirements are met, the formal complaint will be addressed through the procedures indicated in the Interim Procedures.
- A CRCB Equity Specialist will conduct the investigation.

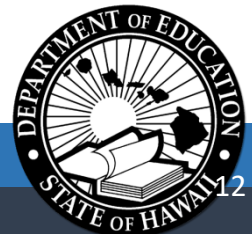
## Dismissal of a Formal Complaint

- If the requirements are not met, the formal complaint will be dismissed for purposes of the Interim Procedures.
- The formal complaint will then be addressed through other applicable HIDOE rules and/or policies.
- The individual generally designated to investigate complaints per those other applicable rules and/or policies will address the allegations.



# WHEN COMPLAINTS ARISE...

- Respective school administrators should be immediately informed of the complaint.
- School administrators should immediately contact the CRCB.
- Summer School District Coordinators and/or Summer School Directors may also contact the CRCB directly.
- The steps and responsibilities in the Interim Procedures reflect the requirements in the federal Title IX regulations.
- We must follow these requirements to maintain compliance with Title IX.



# CONTACT INFORMATION

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