

## TITLE IX RECORDKEEPING PROCEDURES

Approved by:	The President
History:	Issued: 8/01/2024
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	Last Reviewed: --
Responsible University Office:	Title IX Office
Responsible Official(s):	Title IX Coordinator
Policy Category(ies):	Equity Affairs Human Resources Student Affairs

## RECORDKEEPING PROCEDURES

### I. Purpose

The purpose of these Title IX Recordkeeping Procedures is to describe how Governors State University (the “University”) will maintain records related to its operations under the Anti-Sex Discrimination (Title IX) Policy and Title IX, especially 34 C.F.R. § 106.8(f) thereunder.

### II. Scope and Application

These Title IX Recordkeeping Procedures apply to all operations under the University’s Anti-Sex Discrimination (Title IX) Policy described herein.

### III. Authority

A. These Title IX Recordkeeping Procedures are promulgated pursuant to section XIII.A of the University’s Anti-Sex Discrimination (Title IX) Policy.

B. The President hereby designates the University’s Title IX Coordinator to oversee the implementation of these Recordkeeping Procedures.

### IV. Definitions

A. Unless contradicted by a definition in paragraph B, below, and as applicable given the context provided by the provisions herein, the definitions provided in the Anti-Sex Discrimination (Title IX) Policy, the Title IX Reporting Procedures, the Title IX Response Procedures, Title IX Grievance Procedures (Part 1) – Sex-Based Harassment, and the Title IX Grievance Procedures (Part 2) – Other Sex Discrimination apply to these Recordkeeping Procedures.

B. The following definitions also apply for purposes of these Recordkeeping Procedures:

- (1) “Complaint File” (a capitalized term) means the organized, comprehensive collection of records and information related to the resolution of a specific complaint under the Grievance Procedures.
- (2) “Grievance Procedures” (a capitalized term) means either or both of the University’s Title IX Grievance Procedures (Part 1) – Sex-Based Harassment and/or Title IX Grievance Procedures (Part 2) – Other Sex Discrimination, as applicable given the context of the term’s usage herein.
- (3) “Recordkeeping Procedures” (a capitalized term) means these Title IX Recordkeeping Procedures promulgated in accordance with Section XIII of the University’s Anti-Sex Discrimination (Title IX) Policy.
- (4) “Response File” (a capitalized term) means the organized, comprehensive collection of records and information related to the University’s response to a report of sex discrimination, sex-based harassment, or retaliation under the Response Procedures.
- (5) “Training Materials” (a capitalized term) means, generally, copies of all materials used to provide training to employees in accordance with section VIII of the Anti-Sex Discrimination (Title IX) Policy.

## **V. Response Files**

For each Report of possible sex discrimination or retaliation received by the Title IX Coordinator, the University will maintain a Response File of records related to the Report and the University’s response made thereto in accordance with the Title IX Response Procedures, as follows:

- (A) After receiving a Report, the Title IX Coordinator will open the Response File and add copies of the following records (as applicable):
  - The Report (if made in writing in the first instance) or memorandum or other writing memorializing the Report (if not made in writing in the first instance);
  - Notice to the complainant (if known) or the bystander who made the Report (if the complainant is unknown) of the applicable Grievance Procedures and applicable informal resolution process; and
  - Notice of the complainant’s rights and options (if applicable under the Preventing Sexual Violence in Higher Education Act).
- (B) With respect to the Supportive Measures Process:

- (1) The employee assigned to offer and coordinate supportive measures process for a party will ensure that copies of the following records related to supportive measures for that party are added to the Response File (as applicable):
  - Records related to consultations with the party regarding supportive measures, including any requests made by the party for specific supportive measures;
  - Any reasonably available records related to the employee's analysis of possible and requested supportive measures (if any are requested) generated in preparation for extending a formal offer of supportive measure(s);
  - Supportive Measures Offer(s);
  - Records related to the party's acceptance or rejection of any offered supportive measure(s);
  - Any reasonably available records related to the coordination and/or implementation of each accepted supportive measure; and
  - Significant correspondence between the employee and the party.
  
- (2) The Title IX Coordinator will ensure that copies of the following records related to supportive measures for each party are added to the Response File (as applicable):
  - Records related to any requests made by a party regarding additional or alternative supportive measures, or modification(s) or termination(s) of supportive measures;
  - Any reasonably available records related to the Title IX Coordinator's analysis of requested additions, substitutions, modifications, or terminations of supportive measures made in preparation for granting or denying such request(s);
  - Supplemental Supportive Measures Offer(s);
  - Written rejection of a party's request for additional, substituted, modified, or terminated supportive measures;
  - All records related to the resolution of any Supportive Measure Challenge brought and conducted under section V.C.2(xii) of the Title IX Response Procedures; and
  - Significant correspondence with a party regarding supportive measures.
  
- (C) If the University elects to consider the emergency removal of any individual from University property, program(s), or activity(ies) in response to a Report, the Title IX Coordinator will ensure that copies of the following related records are added to the Response File (as applicable):
  - Records related to the individualized safety and risk analysis conducted by CTAT;
  - Any reasonably available records related to the Title IX Coordinator's determination regarding removal based on CTAT's analysis;

- Notice of Emergency Removal;
  - All records related to the resolution of any challenge to an emergency removal under Section V.D.2 of the Title IX Response Procedures; and
  - Significant correspondence to or from the Title IX Coordinator regarding the emergency removal.
- (D) Records related to any informal resolution of an incident identified in a Report will be added to the Response File in accordance with any requirements of any Informal Resolution Program the University establishes.
- (E) The Title IX Coordinator will add all appropriate records related to any corrective action taken, initiated, and/or coordinated by the Title IX Coordinator in response to a Report to the Response File.
- (F) Response Files related to separate Reports may be combined, at the Title IX Coordinator's discretion, if the conduct underlying the Reports is related (e.g., a Response File for a Report of retaliation related to a previous Report of sex discrimination may be combined with the Response File for the original Report of sex discrimination).

## **VI. Complaint Files**

For each complaint resolved under the Grievance Procedures, the University will maintain a Complaint File of records related to the complaint resolution process, as follows:

- (A) At the beginning of the Evaluation Stage, the Investigator will open the Complaint File.
- (B) By the conclusion of the Evaluation Stage, the Investigator will ensure that a written version of the complaint and a memorandum or other writing documenting their Evaluation is added to the Complaint File.
- (C) During the Investigation Stage, the Investigator will ensure that copies of the following records are added to the Complaint File (as applicable):
- Notice of Allegations and any amendments thereto;
  - Response(s) (to allegations in a Notice of Allegations);
  - All relevant and not otherwise impermissible evidence, including documentary evidence and recordings, transcripts, and summaries/write-ups of interviews;
  - Complete Investigation Report with all appendices (including the parties' written responses about the evidence);
  - Significant correspondence to or from the Investigator; and
  - Any additional significant records, such as requests for extensions or notices of delay, if any.

- (D) After the conclusion of the Investigation Stage, the Decisionmaker will take control of the Complaint File from the Investigator.
- (E) The Decisionmaker will add a copy of the Notice Regarding Hearing to the Complaint File.
- (F) During the Hearing Stage (if a Hearing is held), the Decisionmaker will ensure that copies of the following records are added to the Complaint File:
- Memorandum (or other records) of Pre-hearing Conference;
  - Notice of Hearing;
  - Recording(s) of the Hearing;
  - Any additional/new relevant (and not otherwise impermissible) evidence presented at the Hearing;
  - Significant correspondence to or from the Decisionmaker related to the Hearing Stage; and
  - Any additional significant records, such as requests for extensions or notices of delay, if any.
- (G) During the Determination Stage, the Decisionmaker will ensure that copies of the following records are added to the Complaint File (as applicable):
- Report Responses and Report Replies;
  - The Decision with all appendices;
  - Significant correspondence to or from the Decisionmaker related to the Determination Stage; and
  - Any additional significant records, such as requests for extensions or notices of delay, if any.
- (H) After the conclusion of the Determination Stage, the Title IX Coordinator will take control of the Complaint File from the Decisionmaker.
- (I) As applicable, the Title IX Coordinator will ensure that copies of the following types of records are added to the Complaint File:
- Notifications regarding the assignment of Investigators and Decisionmakers;
  - Advisor Designation;
  - FERPA Form;
  - Section 16 Notification
  - Remedies and Sanctions Notice;
  - Documentation reflecting any correction action taken;
  - Notification of Withdrawal;
  - Memorandum or other writing reflecting any consideration of the factors under section VI.B. of the Grievance Procedures;
  - Records related to the consolidation of complaints;
  - Notice of Dismissal;
  - Request for Appeal;

- Documentation related to any informal resolution process, including an informal resolution agreement; and
  - Significant correspondence to or from the Title IX Coordinator related to the process under the Grievance Procedures.
- (J) If an appeal is taken, the Appeal Decisionmaker will take control of the Complaint File from the Title IX Coordinator during the Appeal Stage.
- (K) During the Appeal Stage (if any appeal is taken), the Appeal Decisionmaker will ensure that copies of the following records are added to the Complaint File (as applicable):
- Notice of Appeal;
  - Appeal Statements;
  - Appeal Decision;
  - Significant correspondence to or from the Appeal Decisionmaker related to the Appeal Stage; and
  - Any additional significant records, such as requests for extensions or notices of delay, if any.
- (L) Other significant records documenting the complaint resolution process not listed above should also be added to the Complaint File.
- (M) Once a complaint is fully resolved, either by a Dismissal, finalized Determination (and decision on disciplinary sanctions, if any), or informal resolution, the Title IX Coordinator will close out the Complaint File and take any other actions necessary to close out the complaint resolution process under the Grievance Procedures.

**VII. Training Materials**

Training Materials shall be stored in electronic format (as native files where reasonably practicable) in a centralized depository maintained by the Title IX Coordinator or delegee(s), organized in such a way as to make them reasonably easy to identify and provide for inspection if requested by a member of the public.

**VIII. Maintenance of Records**

The University will maintain copies of all inactive Response Files and closed Complaint Files and all Training Materials for a period of at least seven (7) years. Closed Complaint Files and inactive Response Files, and all records and materials therein, shall be maintained in such a way as to preserve the confidentiality of the contents.

=====END OF PROCEDURE TEXT=====

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*The foregoing Administrative Procedure has been recommended and approved for adoption as follows:*

RECOMMENDED: /s/ Kaitlyn Anne Wild  
Kaitlyn Anne Wild, Director of  
Compliance & Title IX Coordinator

DATE: \_\_\_\_\_

APPROVED: /s/ Cheryl Green  
Cheryl Green, Ph.D., President

DATE: \_\_\_\_\_

*(Copy of Policy with original signatures is available upon request.)*