

Why is Proper Case Management Important?

A) OCR Resolutions and Lessons About Case Management

1. Recent OCR resolutions frequently mention case management and record keeping. OCR typically issues a large data request to a school when conducting an investigation, including asking for entire case files. Resolution letters describe deficiencies in the institution's process based on the records provided. But lack of documentation might not mean that the school did not take the required action; it might mean they simply did not document the action appropriately.
2. Here are just a few examples from resolution letters, including OCR quotes from those letters:
 - "The District informed OCR that it has conducted two formal Title IX investigations . . . in the past three school years. OCR requested all records associated with both investigations. The District did not provide a formal, written Title IX complaint for either investigation." [Resolution letter to Owasso Public Schools.](#)
 - "University records are replete with reports that Jewish students and University community members experienced distress regarding stereotypes directed at them regarding their shared ancestry . . . but the records generally do not reflect University consideration of whether these and other incidents individually or cumulatively created a hostile environment for Jewish students." [Resolution letter to Johns Hopkins University.](#)
 - "Due to the District's overall poor, and inconsistent, record-keeping of each incident, however, OCR was unable to assess whether any of these incidents created a hostile environment, and if so, whether the District responded and the adequacy of the District's response." [Resolution letter to Red Clay School District.](#)
3. In resolving a complaint or compliance review, a school enters into a resolution agreement with OCR. A common requirement in these

agreements is for the institution to develop and implement a case management system. Here are some examples:

- In its [resolution with Park City School District](#), OCR required standardized forms for both filing a complaint and for documenting the response to a complaint. Page 4 of the agreement shows the 14-point list required for the form documenting the school's response.
 - The [resolution agreement between OCR and Paterson Public Schools](#) requires the District to develop a centralized recordkeeping system for OCR's approval that would accurately document and preserve all required records. Page 8 of the agreement lists the required documentation.
4. Outside of compliance and litigation preparation, sound records management is critical for business continuity.

B) Case File Essentials

1. What's the threshold to "open" a case file?
 - VERY low threshold: open that file.
 - There are obvious times - you get a report by email or through a form submission.
 - Less obvious times but yes open that file: phone call from a faculty member; quick conversation in the hallway
2. What goes in the file?
 - Notes (very important); meetings; emails; directly related materials
 - Be specific—include dates and names
 - For example - Supportive Measures:
 - Who was offered what?
 - When was it offered?
 - What did they say/choose, if any?
 - What did they request?
 - If a request was denied, what was the rationale?
 - Assessments and evaluations of jurisdiction—why does this fall under the policy (or not), and which allegations are implicated, and why?

- What about privileged or other confidential/protected documents?
 - Attorney/Client privilege—talking to campus counsel about whether emails with the attorney or notes from meetings with them should be kept in the file.
 - Medical documents, SANE exam
 - Therapist notes/documents
 - Only the person holding the privilege can waive it.

C) Communication

How do you talk through with people submitting how submitted evidence will be used? Important to be clear who will have access (through evidence review) and allow a party to rescind submitted materials completely or resubmit with redactions.

Equity Case Management–Best Practices

The Essentials

Centralization

Ensure all records are maintained in a secure, centralized system managed by the office responsible for discrimination and harassment prevention and response.

Consistency

Implement standardized templates and protocols for documentation across all cases.

Confidentiality

Safeguard sensitive information by restricting access to authorized individuals only.

Retention

Follow federal, state, and institutional guidelines on record retention periods to ensure compliance with applicable law.

Periodic Review

Regularly audit case files to confirm completeness and adherence to internal protocols and legal obligations.

What Should Be in a Case File?

A well-organized case file should include the following essential components:

1. **Written Report of the Complaint**

A copy of the written complaint or report, including any narrative summaries of oral complaints received.

2. **Documentation of Actions Taken**

- Records of any initial assessments and determinations regarding the complaint.
- Notes or memoranda summarizing meetings and communications with involved parties.

3. **Disciplinary Actions and Outcomes**

Copies of any disciplinary sanctions issued, whether against an individual respondent or systemic corrective actions taken by the institution.

4. **Supportive Measures and Remedies**

- Documentation of supportive measures requested, offered, provided, denied (and rationale) to the complainant and/or respondent (e.g., academic accommodations, housing adjustments, no-contact directives).
- Evidence of remedial measures implemented to address the reported concerns.

5. **Prevention and Institutional Response**

- Records of actions taken to eliminate the discrimination and prevent recurrence.
- Documentation of training sessions, policy changes, or campus-wide initiatives undertaken in response to the case.