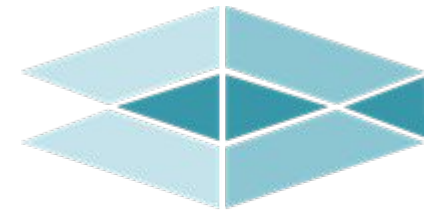


# **TITLE IX TRAINING: DECISION-MAKERS, INVESTIGATORS, and FACILITATORS of INFORMAL RESOLUTIONS**

## **ROLES and RESPONSIBILITES UNDER 2024 REGULATIONS**

---

COPYRIGHT © RENNING, LEWIS & LACY, S.C. 2024  
ALL RIGHTS RESERVED.



**RENNING  
LEWIS & LACY**

# Effective Date

---

August 1, 2024

# Title IX Overview

---

Title IX prohibits sex discrimination in federally funded educational programs:

No person in the United States shall, on the basis of sex, be **excluded from participation in, be denied the benefit of, or be subjected to discrimination under** any education program or activity receiving Federal financial assistance. 20 U.S.C. § 1681(a).

# School District Obligations

---

- Designate at least one Title IX Coordinator for the District.
- Establish and publish a policy clearly stating the District does not discriminate on the basis of sex in its educational programs and activities.
- Establish a grievance procedure to receive and process complaints of sex discrimination.
- Implement grievance procedure.
- Train Title IX Coordinators, decision-makers, investigators, and employees.
- Promptly and effectively respond to allegations of sex discrimination.

**Investigator,  
Decision-maker, & Informal  
Resolution Facilitator**

---

# Title IX Investigators

---

- Title IX Coordinator will designate one or more investigators to handle each Title IX complaint.
- May be the Title IX Coordinator or a designee (e.g., other district staff, or third parties).
- Must be free of bias or conflicts of interest.
- Must receive training on how to conduct investigations, including the relevance of evidence to create an investigative report that fairly summarizes evidence.
- It's helpful to have several trained investigators available to avoid bias or conflict of interest, depending upon the parties involved.

# Title IX

## Decision-Makers

---

- Title IX Coordinator will designate a decision-maker to handle each Title IX complaint.
- Must be free of bias or conflicts of interest.
- May be the same person as the Title IX Coordinator or Investigator.
- Must receive training on how to conduct the formal grievance process, including issues of relevant evidence, and application of rape shield laws.
- It's helpful to have several trained decision-makers available to avoid bias or conflict of interest, depending upon the parties involved.

# Title IX

## Informal Resolution Facilitator

---

- The informal resolution facilitator may not be the same person as the investigator or decision-maker used for the school's formal grievance process.
  - Why? Because at any point in time during the informal resolution process, either party can withdrawal their consent to participate in the process, thus reinitiating the grievance process.
- Must also be free from bias or conflicts of interest.
- Must receive training on how to conduct an informal resolution process and how to serve impartially by avoiding conflicts of interest and bias.



# Definitions and Standards

---

# Title IX

## Sex Discrimination

---

- Under Title IX, school districts are obliged to address sex discrimination in their education program or activity.
  - District has a duty to prevent its recurrence and remedy its effects.
- **“Sex Discrimination”** occurs when one is excluded from participation in, denied the benefit of, or subject to unequal treatment under any education program or activity, on the basis of one’s sex.
  - Sexual Harassment.
  - Unequal, adverse treatment.
  - Preferential treatment of one sex over the other.
  - Unequal access to accommodations, facilities, athletics, curriculum, or benefits and privileges offered by the school district.

# Title IX

## Sex-Based Harassment

---

Under Title IX, sex-based harassment can come in three forms:

1. Quid Pro Quo Harassment
2. Hostile Environment Harassment
3. Specific Offense Harassment

# Title IX

## Quid Pro Quo Harassment

---

- **Quid Pro Quo Harassment:** Occurs when an employee, agent, or other person authorized by the school district to provide an aid, benefit, or service that either expressly or impliedly conditions the provision of such aid, benefit, or service on a person's participation in unwelcome sexual conduct.
- No sexual conduct needs to occur for quid pro quo harassment.
- **Example(s):** Premising grades, promotions, or enrollment/admission on submission to sexual conduct.

# Title IX

## Hostile Environment

---

- **Hostile Environment Harassment:** Occurs when unwelcome sex-based conduct is severe *or* pervasive, and subjectively and objectively offensive to the extent that it limits or denies a person's ability to participate in or benefit from the school district's education program or activity.
- **Fact specific inquiry.**
  - Degree to which the unwelcome sex-based conduct affected the student's access to education program.
  - Type, frequency, and duration of conduct.
  - Age, relative maturity of parties, and the context in which the conduct occurred.
  - Location (off-campus conduct can induce a school's response if off-campus conduct affects the student's access to education programs or activities).
- **Example(s):** Sex-based jokes, contact, gestures, innuendos, name calling, or comments on physical appearance, among others.

# Title IX

## Specific Offenses Harassment

---

- **Sexual Assault.** Defined by reference to 20 U.S.C. Sec. 1092(f)(6)(A)(v).
  - Forcible or nonforcible (statutory rape) sexual act, without consent, qualifying as a sexual offense, including with the use of objects.
- **Dating Violence.** Violence committed by a person who is or has been in a romantic or intimate relationship with the victim. The existence of a romantic or intimate relationship shall be based on (1) the length of the relationship, (2) the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- **Domestic Violence.** Felony or misdemeanor crimes of violence committed by a current or former spouse/intimate partner of the victim, who share a child or habitation space.
- **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
  1. Fear for their safety or the safety of others, or
  2. Suffer substantial emotional distress.

# **The District's Response to Sex Discrimination**

---

# Title IX

## Grievance Procedure

---

- Treat all parties fairly and equitably.
- Conflicts of interest and bias are forbidden.
  - The Title IX Coordinator, Decisionmaker, and Investigator may all be the same person.
  - The Appeal Decisionmaker cannot be the investigator or the original decision maker.
- Must be a presumption that the respondent is not responsible until sufficient evidence is established to overcome this presumption.
- Prompt and reasonable timeframes will be in place for each portion of the grievance process.
  - Evaluation of jurisdiction, investigation, determination, and appeal.
- All personnel must take reasonable steps to protect the privacy of the parties and witnesses during the pendency of the grievance procedure.
- Evaluate relevant evidence and exclude impermissible evidence.



# Supportive Measures

---

## What are Supportive Measures?

- 34 C.F.R. § 106.44(g) provides that a school district must offer “supportive measures” as appropriate.
- Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, before or after the filing of a formal complaint or where no formal complaint is filed, including:
  - Counseling.
  - Coursework extensions.
  - Campus escort services.
  - Contact restrictions.
  - Leaves of absence.
  - Class or extracurricular schedule changes, among others.

# Supportive Measures

---

- Supportive measures may not unreasonably burden any party.
- Supportive measures must be designed to:
  - Protect the safety of the parties.
  - Protect the school district's educational environment.
  - Provide parties with support during the grievance process or during informal resolution.
- The school district may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance or informal resolution process.
  - No requirement to terminate or modify supportive measures.
- Must provide the party subject to supportive measures an additional opportunity to seek additional modification or termination if circumstances materially change.
- Must provide a complainant or respondent with an opportunity to seek modification or reversal of the school district's decision to provide, deny, modify, or terminate supportive measures applicable to them.
  - Must be different than the person who made supportive measure determination originally.

# Supportive Measures

---

## Confidentiality

- A school district or Title IX Coordinator may not disclose information about supportive measures to persons other than the person to whom they apply, unless:
  - Disclosure is necessary to effectuate the supportive measure.
  - Disclosure is necessary to restore a party's access to an education program or activity.
  - Party consents to disclosure.
  - Disclosure is made to the party's parent or guardian.
  - Disclosure is required under state or federal law.

# Supportive Measures

---

## Students with Disabilities

If the complainant or respondent is a student with a disability, the Title IX Coordinator must consult with one or more members, as appropriate, of the student's IEP team, or those responsible for the student's placement decisions, to determine how to comply with the both Title IX and the IDEA.

# Title IX

## Impartiality and Conflicts of Interest

---

- Impartiality means the individual can weigh the evidence fairly to guide the process or reach a decision.
  - Does not have an interest in the outcome (Conflict of Interest)
  - Has not predetermined the matter before hearing the evidence (Bias)
- Impartial does not mean that the individual is completely unaware of the situation before participating in the process.
- It does not mean that the individual cannot be predisposed to favor one side or the other so long as they have not predetermined the outcome.

# Title IX

## Impartiality and Conflicts of Interest

---

The school district's grievance process must:

- Require an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence—and provide that credibility determinations may not be based on a person's status as a complainant, respondent, or witness.
- Require that the Title IX Coordinator, investigators, decision-makers, and any person involved in the informal resolution process not have a conflict of interest or bias for or against either party, generally or specifically.
- Treat complainants and respondents equitably.
- Include a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- Apply the “preponderance of the evidence standard” or, If the district uses a higher standard for all other similar proceedings, the higher standard, uniformly for all formal complaints of sexual harassment.  
34 CFR § 106.45(b)(1).

# Title IX

## Impartiality and Conflicts of Interest

---

Avoid actual and perceived conflicts of interest:

- Consider the relationship between the investigator/decision-maker and the parties.
  - Coach/player, teacher/student, etc.
  - Any history of conflict.
- Consider third-party investigator.

Avoiding Bias.

- Adhere to investigation policies and procedures.
- Maintain accurate documentation of the investigation and relevant decisions.

- Avoid pre-determined conclusions. Let the evidence lead the process.
- Revise your own understanding of events as evidence becomes known or is presented.
- Be aware of personal biases.
- “Show your work” in documentation, including your analysis of evidence and credibility.
  - Consider the source, and plausibility in light of other evidence.
- Be Thorough. Don’t limit the investigation to either party’s witnesses or evidence.
- Apply principles of fairness and equity to deliver an objective determination of responsibility.

# Title IX

## Complainant

---

- Student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX.
- A person other than a student or employee allegedly subjected to the same conduct and who was participating or trying to participate in district's program at time of conduct (*i.e., current or former student or employee or applicant*).



# Title IX

## Who can file a complaint?

---

- A complainant;
- A parent, guardian, or other authorized legal representative with authority to act on behalf of a complainant;
- A Title IX Coordinator.
- For complaints other than sex-based harassment:
  - Any student or employee
  - Any person other than a student or employee who was participating or attempting to participate in the program or activity when the alleged discrimination occurred.

# Title IX

## The Complaint Process

---

### Informal Resolution

A school may, at any time prior to determining whether sex discrimination occurred, offer the complainant and respondent the option to use an informal resolution process.

- Must obtain both parties' voluntary consent.

# Title IX

## The Complaint Process

---

### Informal Resolution

Must provide notice to both parties that explains:

- The allegations.
- The requirements of the informal resolution process.
- That, prior to agreeing to a resolution, any party has the right to withdraw from the informal process and may initiate formal grievance procedures.
- That, upon agreement of an informal resolution, parties are precluded from initiating formal grievance procedures for complaints arising out of the same conduct.
- Terms that may be offered or requested in an informal resolution agreement.
- The scope of disclosure for information pertaining to the informal resolution process's use in the formal grievance process.

# Title IX

## The Complaint Process

---

### Informal Resolution

The goal of the informal complaint process is to achieve an informal resolution agreement.

- Listen to the needs of both complainant and respondent and produce an agreement addressing the interests of both parties.

**Possible Resolutions:** The informal resolution agreement may provide for measures, including but not limited to:

- Restrictions on contact.
- Restrictions on the respondent's participation in school programs or activities.
- Admissions of responsibility or false allegations.
- Counseling.
- Referral for disciplinary actions.

# Title IX

## The Complaint Process

---

### Conducting Informal Resolution Meeting(s)

- Title IX Coordinator or designee (not the investigator or decision-maker) acts as mediator.
- Familiarize yourself with:
  - The allegations.
  - The parties.
  - The undisputed and/or known evidence and facts.
  - The disputed evidence and/or facts.
  - Consider measures to address the alleged discrimination and prevent its recurrence.
- Prepare questions for the parties to ascertain additional information.

### Establish the Meeting Format.

- In person, telephone, or email?
- Will parties be face-to-face, in separate rooms, at separate times?
- Consider the allegations and whether it's wise to have parties face-to-face either in person or virtually.

### Execute the Plan or Agreement.

- Remind parties that the informal process is voluntary, and they do not need to agree if they are unhappy with the recommended measures.
- Remind parties that the goal of informal resolution is to resolve current sex discrimination and prevent its recurrence.

# Title IX

## The Complaint Process

---

### Permissive Dismissal

A Title IX Coordinator *may* dismiss a complaint of sex discrimination if:

- The District cannot identify the respondent after taking reasonable steps to do so.
- The respondent is not participating in the District's education program or activity.
  - E.g., no longer enrolled, disciplined on other grounds, etc.
- The complainant voluntarily withdraws the complaint.
  - Title IX Coordinator must analyze whether, regardless of the voluntary withdrawal, the conduct would not constitute sex discrimination under Title IX, and
  - The Title IX Coordinator must analyze whether to initiate a complaint on the complainant's behalf.
- The allegations alleged in the complaint, if true, do not constitute sex discrimination under Title IX.
  - Must seek clarification from complainant prior to dismissal.

# Title IX

## The Complaint Process

---

### Duties After Dismissal

- The Title IX Coordinator must promptly notify the complainant of the basis for the dismissal.
- If the respondent has been notified prior to dismissal, notify the respondent of the dismissal and the basis for the dismissal.
- The Complainant, and the respondent (if notified of the complaint prior to dismissal) must be notified that the dismissal may be appealed, and the Title IX Coordinator must provide the complainant for an opportunity to appeal dismissal.
- The Title IX Coordinator shall offer supportive measures to the complainant, as appropriate.
- The Title IX Coordinator shall take prompt and effective steps to ensure that sex discrimination does not continue or recur.
  - Complaints, regardless of dismissal, may indicate a policy or practice requires attention to prevent future sex discrimination.
- No mandatory dismissal requirements.

# Title IX

## The Complaint Process

---

### Appeal of Dismissal

Upon appeal from the original complainant, the Title IX coordinator must:

- Notify all parties of the appeal.
- Ensure the appeal decisionmaker for the appeal did not take part in the original dismissal determination.
- Provide the parties with the opportunity to make a statement in support of, or challenging, the outcome.
- Notify all parties of the final decision on appeal.



# Title IX

## The Complaint Process

---

- Upon the Title IX Coordinator's determination that a complaint, if true, would constitute sex discrimination, the Title IX Coordinator must:
  - Provide notice of the allegations to both parties simultaneously. Must include the identities of the parties, the conduct alleged, and the dates/locations of alleged information to the extent such is available.
  - Notify both parties retaliation is prohibited.
- The Title IX Coordinator may consolidate complaints or allegations even after initiating the investigation procedures.
  - New information, allegations, or witnesses.
  - May need to provide an additional notice of allegations.
- Investigators should stay within the scope of the alleged conduct unless there is belief additional sex discrimination may exist outside the scope of the alleged conduct.
  - Report such to Title IX Coordinator.

# Investigation Procedures

---

# Title IX

## Investigation Procedures

---

### Investigation Obligations

- Be impartial and free from bias throughout the investigation.
- Adequately investigate allegations.
- The district has the burden to investigate and gather evidence.
- Provide parties equal opportunity to present fact witnesses and other relevant evidence.
- Review all evidence gathered, and determine what evidence is relevant and what evidence is impermissible to consider.
- Provide each party with an opportunity to review relevant evidence or an accurate description of relevant evidence.
  - Opportunity to respond to the evidence or description thereof.
- The district must take reasonable steps to prevent unauthorized disclosure of information and evidence obtained through grievance procedures.
  - Disclosure for administrative proceedings of litigation related to the complaint are permitted disclosures.

# Title IX

## Investigation Procedures

---

### Commencing the Investigation

Before initiating an investigation, the investigator shall review the district's procedures regarding:

- Notice Requirements.
- Timelines.
- Sharing of Evidence.
- Advisors for Parties.
- Impartiality.
- Definition of “relevance”.

# Title IX

## Investigation Procedures

---

### Who Will Serve as the Investigator?

The Title IX Coordinator, decision-maker, or third-party may be the investigator.

If the investigator is a third party, consider:

- Procedure for naming a third-party investigator.
- Experience.
- Impartiality and objectivity.
- Future role needs.
- Availability & cost.
- Internal vs. external.
- Support needed for the third party (e.g. space for interviews, access to district resources, identifying relevant persons).

# Title IX

## Investigation Procedures

---

### Collecting Evidence

- Evidence may include, but is not limited to:
  - Documents, records, and electronic records.
  - Photographs & videos.
  - Seating charts & class rosters.
  - Attendance records.
  - Student records.
  - Desk or locker contents.
  - Court documents.
  - Computer history.
  - Emails, phone calls, text messages.
  - Letters, written notes, and diary entries.
  - Other.
- Chain of Custody should be maintained.
  - Record when evidence transfers possession or is moved.

# Title IX

## Investigation Procedures

---

- Search and Seizure, 4<sup>th</sup> Amendment.

- The 4<sup>th</sup> Amendment protects individuals' privacy interests from unreasonable searches and seizures. Generally, probable cause is required to search (different in school setting).

- Lockers.
    - Offices.
    - Vehicles.
    - Desks.
    - Computers, phones, and other technology.
    - Personal items (e.g. backpacks).

- Right to Privacy, Wis. Stat. § 995.50.

- An invasion of privacy is an intrusion upon the privacy of another of a nature highly offensive to a reasonable person, in a place that a reasonable person would consider private or in a manner which is actionable for trespass. Wisconsin provides for equitable relief, compensatory damages and attorney fees as relief for invasions of privacy.

# Title IX

## What is Relevant Evidence?

---

- Only relevant evidence may be considered by the decision-maker in reaching their determination.
- Evidence is “relevant” if, upon consideration of that evidence, the allegation of sex-discrimination is more or less likely to be true.
  - Any shift in the likelihood that the allegation is more or less likely to be true means evidence is “relevant”.
- Relevant evidence may not be considered if the evidence:
  - Is privileged under state or federal law.
  - Is a medical or treatment record of a party or witness.
  - Relates to the complainant’s prior sexual conduct, unless offered to prove the issue of consent.



# Title IX

## Investigative Interviews

---

- Determine order of interviewing.
- Prepare an outline of questions but be prepared to deviate.
- Always interview complainant and respondent separately, and interview witnesses separately.
- Both the complainant and respondent are entitled to an advisor during interviews, advance notice of interviews, and access to any available evidence.
- Have someone present to take notes or consider recording the interview.
- Provide the complainant, witness, or respondent with your contact information in the event they have additional information to provide.

# Title IX

## Investigative Interviews

---

Before conducting any interview, the investigator should decide how he/she will respond to the following types of complications:

- The complainant, witness, or respondent demands that the interview be taped;
- The complainant, witness, or respondent requests that a parent, friend, co-worker, or attorney be present during the interview;
- The representative for the complainant, witness, or respondent repeatedly interjects or tries to help the interview subject frame his or her answers;
- The complainant, witness, or respondent refuses to answer questions;
- The complainant, witness, or respondent asks who you have interviewed or plan to interview; The respondent asks whether the employer is going to discipline him or her; and
- The respondent or his/her representative asks for a written list of questions or asks to be allowed to submit written answers to questions in lieu of a face-to-face interview.

# Title IX

## Investigative Interviews

---

- Obtain current and accurate contact information (full name, age, address, and telephone numbers) for all complainants, witnesses, and respondents.
- Explain that you may not be able to maintain complete confidentiality, but assure the complainant, witness, and respondent that retaliation is prohibited.
- Remind the complainant, witness, or respondent of the duty to cooperate and maintain confidentiality.
- Remind the complainant, witness, or respondent that district policy prohibits providing knowingly false statements during an investigation (as applicable).
- Disclose to the complainant, witness, or respondent only what is necessary to question him/her and/or required by the policy.
- Ask open-ended questions; proceed broad to narrow.

# Title IX

## Investigative Interviews

---

- Do not interrupt the complainant, witness, or respondent during an interview, allow them to talk; use silence.
- Repeat questions in different ways and evaluate whether responses are consistent.
- If a complainant, witness, or respondent answers “I don’t know” or “I can’t recall,” break the question down and/or rephrase it to determine whether the witness does not have the information or is being evasive.
- Be an active listener and reiterate or restate responses to ensure accuracy if necessary.
- If you are confused by an answer, repeat what you think you’ve heard and ask the complainant, witness, or respondent to confirm your understanding.
- Ask for documents/records to the extent the complainant, witness, or respondent references them during the interview.
- Assess credibility.
- Avoid intimidation tactics and accusatory tones.
- Establish a positive rapport with the complainant, witness, or respondent, but remain professional and objective.
- Consider requesting written statements from the complainant, witness, or respondent.

# Title IX

## The Investigative Report

---

- Fairly summarize all relevant evidence.
- Provide context for the evidence.
- Analyze the evidence and, if necessary, weigh the credibility of witnesses.
- Address any need for confidentiality regarding complainants, witnesses, etc., within the report. It may be advisable to use code names and a key to ay be advisable to use code names and a key to be maintained in a separate document.
- Apply the appropriate evidence standard:
  - If using the “preponderance of evidence” standard, review the information to determine whether it is “more likely than not” that the alleged conduct occurred.
  - If using the “clear and convincing” evidence standard, review the evidence to determine whether it is highly and substantially more probable to be true than not that the alleged conduct occurred.

# Title IX

## Finalizing the Investigative Report

---

- Prior to drafting an investigative report:
  - The investigator must provide the parties with any evidence obtained that is directly related to the allegations in the formal complaint, including:
    - Evidence that the district does not intend to rely upon in making a final determination, and
    - Inculpatory or exculpatory evidence.
  - The investigator must provide each party with a copy of the investigative report at least ten (10) days prior to the hearing or other date of final determination.
    - Each party must have at least ten (10) days to review the evidence and submit a written response.
    - The investigator must consider the parties' responses prior to completing the investigative report.
- Before finalizing the investigative report, the investigator should read it carefully and critically.
  - Are there any typos?
  - Are there any loose ends?
  - Am I using the passive voice to avoid reaching conclusions?
  - How would an attorney or other advocate attack my report?

# Decision-Making

---

# Title IX

## Decision-Making

---

### Selecting a Decision-Maker

- Title IX Coordinator or investigator may serve as the decision-maker but is not required to do so.
- Consider potential or perceived conflicts of interest.
- What is the district's policy, if any, for selecting a Title IX decision-maker?
- In addition to the above, the district should also consider:
  - The legal complexities of the decision-making process.
  - The competency and training of the potential decision-maker.
  - The interests of the community (e.g., a high-profile complaint may be best decided by a 3<sup>rd</sup>-party decision-maker).
  - The potential of the decision-maker serving as a witness in future legal proceedings (court/arbitration).



# Title IX

## Decision-Making

---

### Making a Determination of Responsibility

- To find one culpable of the alleged conduct in a Title IX Complaint, the decision-maker must find culpability by a preponderance of evidence, unless all other similar proceedings require a higher standard of proof.
  - “more likely than not that the conduct occurred”.
- Provide a written determination to both parties simultaneously.
- The District Administrator will consider the determination, severity of incident, and previous infractions to ultimately determine appropriate disciplinary sanctions or consequences, up to expulsion or suspension.
- Title IX Coordinator is ultimately responsible for effective implementation of remedies.

# Title IX

## Decision-Making

---

- The decision-maker's written determination of findings shall include:
  - The original allegations.
  - A description of the procedural steps taken from the receipt of the complaint to the determination.
  - Findings of fact supporting the determination.
  - A statement of and rationale for, the result as to each allegation, including a determination of responsibility, any disciplinary measures the decision-maker recommends, and whether remedies designed to restore or preserve equal access to educational programs/activities should be provided.
  - The procedures and permissible bases for the parties to appeal the determination.

# Title IX Appeals

---

- Available to both parties.
- May be made after a dismissal or final determination.
- Appeal decision-maker must not be the Title IX Coordinator, investigator, or decision-maker of the initial determination.
- Provide notice of appeal to both parties and provide an equal opportunity to submit a written response.
- Issue a written decision describing the result and rationale.
- Provide decision to both parties simultaneously.
- Grounds for appeal (must have affected the outcome of the matter):
  - Procedural irregularity;
  - New evidence that was not reasonably available at the time of determination or dismissal;
  - The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias;
  - Other bases provided by local policy.

# Title IX Recordkeeping

---

- Decision makers, investigators, informal resolution facilitators, and appeals personnel do not need to be trained on recordkeeping requirements.
- However, as a matter of best practice, **all Title IX Grievance Process Personnel should keep and maintain records.** Your Title IX Coordinator will have additional information regarding recordkeeping.
  - Communicate with your Title IX Coordinator how to ensure the records you create get transferred to the Title IX Coordinator.
  - The Title IX Coordinator will then keep such records in a compressive recordkeeping system.

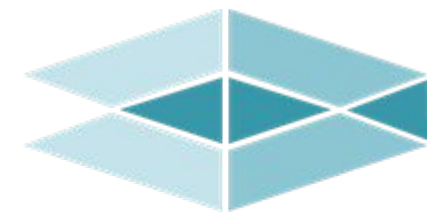
# Retaliation

---

- Retaliation is intimidation, threats, coercion, or discrimination against any person by the district, a student, or an employee or other person authorized by the district to provide aid, benefit, or service under the district's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, informal resolution process, grievance procedure and in any other actions taken by a district.
- A district may require an employee or other person authorized by a district to provide aid, benefit, or service under the district's education program or activity to participate as a witness in, or otherwise assist with, an investigation or proceeding under Title IX.
- District must prohibit retaliation, including peer retaliation in its education program or activity.
- If the district has information about conduct which may constitute retaliation, the response should be the same as a response to a report of sex discrimination.
- Upon receipt of a complaint, follow grievance procedure.

# THANK YOU!

---



RENNING  
LEWIS & LACY