





Title IX Investigator, Decision Maker, and Lead Contact Training FY26



Training Objectives

Help you...	
Become	Familiar with the federal regulations and School Board Policy governing sexual misconduct and sexual harassment
Understand	What actions constitute sexual misconduct and sexual harassment
Recognize	Your obligations under Title IX and School Board Policy.
Comprehend	The Title IX Investigation process



What is Title IX?

Federal Law

20 U.S.C. § 1681 & 34 C.F.R. Part 106 (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.”



Title IX - District Policy



Policy 5.81

Protecting Students from Sexual Harassment
and Gender-Based Discrimination

<https://go.boarddocs.com/fl/palmbeach/Board.nsf/goto?open&id=C772FT627C44>



Sexual Harassment

Sexual harassment is conduct on the basis of sex that satisfies one or more of the following:

- A school employee conditioning education benefits on participation in unwelcome sexual conduct (i.e. quid pro quo); or
- Hostile environment harassment occurs when unwelcome conduct that a reasonable person would determine is so **Severe, Pervasive and Objectively Offensive** that it effectively denies a person equal access to the school's education program or activity; or
- Sexual assault, dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA)



Title IX: Prohibited Sexual Harassment

Types of conduct which are prohibited in the District and which may constitute sexual harassment include, but are not limited to:

- Graphic verbal comments about an individual's body or appearance
- Sexual jokes, notes, stories, drawings, pictures or gestures
- Sexual slurs, sexually-suggestive leering, threats, abusive words, derogatory comments, or sexually-degrading descriptions
- Unwelcome sexual flirtations or propositions for sexual activity or unwelcome demands for sexual favors, including but not limited to repeated unwelcome requests for dates
- Spreading sexual rumors
- Touching an individual's body or clothes (including one's own) in a sexual way, including but not limited to, grabbing, brushing against, patting, bumping, rubbing, kissing, and fondling.
- Cornering or blocking normal movements
- Displaying sexually suggestive drawings, pictures, written materials, and objects in the educational environment
- Any act of retaliation against an individual who reports a violation of the SDPBC sexual harassment Policy or participates in the investigation of a sexual harassment complaint.



Title IX: Prohibited Sexual Harassment

Severe

- Physical conduct is more likely to be severe
- Accompanied by threats or violence
- Consider the circumstances (e.g., the ability for Complainant to remove themselves from the harassment)

Pervasive

- Widespread
- Openly practiced
- Well-known among students – reputation of person, etc.
- Occurring in public spaces (more likely to be pervasive)
- Frequency of the conduct is often a variable in assessing pervasiveness (look to intensity and duration)
- Unreasonable interference with school



Title IX: Prohibited Sexual Harassment

Objectively Offensive

- Physically threatening
- Humiliating
- Intimidating
- Ridiculing
- Abusive
- Age and relationships of Complainant and Respondent
- Number of persons involved
- Frequency
- Severity



Hostile Environment Harassment

- Unwelcome Conduct: The conduct must be unwelcome, meaning the individual did not solicit or invite it.
- Based on Sex: The harassment must be related to the individual's sex.
- Severe, Pervasive, and Objectively Offensive: The conduct must be severe, pervasive, and objectively offensive, meaning it is not just a minor annoyance or isolated incident, but rather creates a hostile or intimidating environment.
- Denies Equal Access: The harassment must effectively deny the individual equal access to an educational program or activity.
- Reasonable Person Standard: A reasonable person in the complainant's position would find the conduct offensive and perceive it as hostile.

Factors for evaluating whether a hostile environment exists:

- Complainant's ability to access the education program or activity
- Type, frequency, and duration of the conduct
- Parties' ages, roles, and previous interactions
- Location and context of the conduct
- School/District's control over the Respondent
- These are factors, not requirements
 - There could also be other factors to consider.



Important Title IX Terminology

Deliberately Indifferent

- Where the response to sexual harassment is clearly unreasonable in light of the known circumstances

Education Program or Activity

- Locations, events or circumstances over which the school/District exercised substantial control over both the Respondent and the context in which the sexual harassment occurs
- Examples: aftercare, sporting events, field trips, band, theater, fine arts events



Important Title IX Terminology: Complainant & Respondent

Complainant

- No longer “alleged target”
- An individual who is alleged to be the victim of conduct that could constitute sexual harassment

Respondent

- No longer “alleged aggressor”
- An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment



Important Title IX Terminology: District Personnel

District-Wide Title IX Coordinator

- Eunice Vivar, Students
- Department of Professional Standards, Employees

Title IX Lead Contact

- Responsible for responding promptly to actual knowledge of sexual harassment, conducting the investigation coordinating the effective implementation of supportive measures
- Investigates the complaint
- May utilize other school administrators to assist in investigation as needed (Assistant Principals, Deans, TOSAs, SSCCs)

Decision Maker

- Principal or Regional Office designee ONLY
- Should not participate in the investigation
- Determines the discipline outcome



The Role of a Neutral Investigator

Title IX Lead Contact

- Acts as a neutral fact-gatherer
- Objectively collects all relevant facts and circumstances
- Does not represent any party involved, including the school

Decision Maker

- Remains independent and does not participate in the investigation
- Bases decisions on information gathered during the investigation by the Title IX Lead Contact
- Determines if a policy was violated and any disciplinary outcome



Investigators and Decision Makers Remain Impartial

Investigators and Decision-makers must remain completely **impartial** and free from **bias** or **conflicts of interest**. This means:

- No Stake in the Outcome
- No Preconceived Notions
- Fair Questioning and Reporting
- Independence
- Consistent Application of Procedures
- Absence of Animosity
- Addressing Implicit Biases



Investigators and Decision Makers Remain Impartial

- Parties involved in the Title IX process have the right to raise concerns about an investigator or decision maker's bias or conflicts of interest, which can be a basis for appealing an outcome.
- Simply knowing a person involved in the case is not automatically a conflict of interest.
- Discuss any concerns with your Title IX Coordinator



Complaints (Reports)

- Verbal or written request to the school or District that objectively can be understood as a request for the school to investigate and make a determination about alleged sexual harassment or discrimination
- Complaints require action by the school/district when they are made to the TIXC, or any other confidential employee
- Any person may report sexual harassment (whether or not the person is the alleged victim of the conduct reported) There is a duty to respond to any allegation. The lead contact should inform the alleged target of his/he rights under Title IX.
- The report of sexual harassment may be provided in person, by mail, telephone, or electronic mail
- The report may be received at any time -- including non- business hours.



Supportive Measures

- Non-disciplinary, non-punitive, individualized services, offered as appropriate and without charge to a complainant or a respondent before or after the filing of a formal complaint, or when no complaint has been filed.
 - A supportive measure that completely removes a respondent from an activity would likely be considered punitive
- Designed to restore or preserve equal access to the education program or activity without “unreasonably” burdening the other party
- Include measures designed to protect the safety of all parties, the educational environment or deter sexual harassment
- The school/District must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the school/District to provide the supportive measures
- The Title IX Lead Contact is responsible for coordinating the effective implementation of supportive measures
Examples: counseling, schedule changes, increased monitoring, Stay Away Agreement, Safety Plan, etc



Emergency Removal

A school may remove a student Respondent from the education program or activity on an emergency basis, only after:

- Undertaking an individualized safety and risk analysis
- Determining if an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal
- Providing the Respondent with notice and an opportunity to challenge the decision immediately following the removal while respecting all rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act, as applicable.
- Emergency removal requires approval from Safe Schools



Title IX - Quick Reference

- Sex-based harassment by classmates (or peers) that creates a hostile environment for the victim.
- For the harassment to be prohibited by Title IX, it must be “on the basis of sex,” which includes sexual harassment and gender-based harassment. Other forms of harassment, such as harassment based on race, religion, disability or national origin are prohibited under the District’s bullying and non-discrimination policies. Please reach out to Safe Schools if you are unsure about how to classify a complaint.
- Sexual harassment is unwelcome conduct of a sexual nature (many forms).
 - Sexual advances
 - Requests for sexual favors
 - Both verbal or non-verbal sexual conduct
 - Sexual touching, comments, jokes, gestures, writing



Examples of harassment under Title IX:

- A female student “hooked up” with a boy at her school, and now a group of girls are repeatedly texting her and tweeting about her at school, calling her a “slut” and a “whore.” **This is gender-based harassment.**
- Another female student sent her boyfriend “sexts” and pictures of herself naked. Then they break up. The boyfriend shares these sexts and photos with his friends at school to get back at her. He also spreads rumors about her sexual behavior. **This is sexual harassment.**
- A male student has mostly female friends, he sings Lady Gaga songs in the hallway and is on the dance team. Fellow students call him a “fairy,” “gay boy,” or “queer,” and tell him he should run for homecoming queen. **This is gender-based harassment.**



Title IX Investigator



Title IX Flowchart

*Reminder - No Disciplinary action regarding incident until investigation is complete

Possible Title IX Incident

Do you have jurisdiction?

School grounds, school activity, and/or school device in the US

Does the alleged conduct meet the definition of Title IX Sexual Harrassment?

District Policy 5.81 Prohibited Sexual Harassment (10.a.-c.)

Parent of Complainant Notified

Provide District Policy 5.81
Parents choose
Formal vs. Informal

Implement Supportive Measures

Page 1 Title IX Checklist

FORMAL

Page 2 Title IX Checklist

INFORMAL

Page 3 Title IX Checklist

Absence of a Formal Complaint

Does not want to participate in the grievance process
Cont w/ Page 4 Title IX Checklist



Title IX - Jurisdiction

- On Campus, off campus in a school activity and/or a school device in the United States.
- Examples of off campus school activities: aftercare, sporting events, field trips, band, theater, choir- fine arts events
- However, off campus conduct can create an on campus hostile environment. For example, a non district student shares a sexually explicit photo of a student with his/her classmates. Or a student alleges another student sexually assaulted her at party at his house.
- The school has a duty to implement supportive measures in these instances.



Title IX Investigation Checklist

The Title IX Checklist and documents below are offered as resources only. If you need further guidance please reach out to the Title IX contact.

Resources:

[Title IX Lead Contact Training Presentation](#)

[Title IX Investigator, Decision Maker, and Lead Contact Training](#)

[Title IX: Prohibited Sexual Harassment Document](#)

[Determining if Prohibited Conduct is Sexual Harassment](#)

INITIAL ASSESSMENT

Complainant: _____

Date Reported: _____

Respondent: _____

Incident Date: _____

Investigator: _____

- ☐ Jurisdiction Verified
 - o School grounds, school activity, and/or school device in the U.S.
- ☐ Does the alleged conduct meet one of the definitions of Title IX Sexual Harassment?
 - o [District Policy 5.81](#) Prohibited Sexual Harassment (10.a.-c.)

*Regardless of the outcome of your initial assessment, supportive measures should be put in place.

PRE-INVESTIGATION

- ☐ Parent of Complainant notified
 - o Provide parents with [District Policy 5.81](#) and explain the Grievance Process- [Formal](#) vs. [Informal](#) vs. [Absence of a Formal Complaint](#)
 - o Parent to make decision to pursue a grievance process..
- ☐ Supportive and safety measures implemented (may include but not limited to the following)
 - o DCF Notified
 - o School Police Notified *Title IX Investigation may be delayed pending completion of investigation by School Police and/or Local PD.
 - o [HOPE Scholarship](#) *must offer*. If they accept, fill out and follow steps on [PBSD 2616](#)
 - o Counseling
 - o Schedule changes (non-disciplinary, non-punitive)
 - o Stay Away Agreement
 - o Safety Plan
 - o Increased Monitoring
 - o Check in/out
 - o Trusted Adult
 - o BHP or Outside Agency Referral

3/18/2025



INITIAL ASSESSMENT

Complainant: _____

Date Reported: _____

Respondent: _____

Incident Date: _____

Investigator: _____

- ☐ Jurisdiction Verified
 - School grounds, school activity, and/or school device in the U.S.
- ☐ Does the alleged conduct meet one of the definitions of Title IX Sexual Harassment?
 - [District Policy 5.81](#) Prohibited Sexual Harassment (10.a.-c.)

*Regardless of the outcome of your initial assessment, supportive measures should be put in place.



Initial Assessment

- Jurisdiction Verified
 - School grounds, school activity, and/or school device in the U.S.
- Does the alleged conduct meet one of the definitions of Title IX Sexual Harassment?
 - District Policy 5.81 Prohibited Sexual Harassment (10.a.-c.)

*Regardless of the outcome of your initial assessment, supportive measures should be put in place.



PRE-INVESTIGATION

- Parent of Complainant notified
 - Provide parents with [District Policy 5.81](#) and explain the Grievance Process- [Formal](#) vs. [Informal](#) vs. [Absence of a Formal Complaint](#). ([Comparison Chart](#))
 - Parent decides to pursue a grievance process..
- Supportive and safety measures implemented (may include, but not limited to, the following)
 - DCF Notified
 - School Police Notified *Title IX Investigation may be delayed pending completion of investigation by School Police and/or Local PD.
 - [HOPE Scholarship](#) *must offer*. If they accept, fill out and follow the steps on [PBSD 2616](#)
 - Counseling
 - Schedule changes (non-disciplinary, non-punitive)
 - Stay Away Agreement
 - Safety Plan
 - Increased Monitoring
 - Check in/out
 - Trusted Adult
 - BHP or Outside Agency Referral



FORMAL GRIEVANCE

***No Disciplinary action regarding the incident until the investigation is complete**

- ☐ Intake of Complaint Form 1615- in writing, signed by Complainant or Title IX Lead Contact
[PBSD 1615](#)
[PBSD 1615 Spanish](#)
[PBSD 1615 Creole](#)
[PBSD 1615 Portuguese](#)
- ☐ Notice of Allegation Form 2663 provided to Respondent (Include sufficient details & time to prepare a response. Complete within 2 days unless the investigation is delayed due to concurrent law enforcement or child protective services investigations.)
[PBSD 2663](#)
[PBSD 2663 Spanish](#)
[PBSD 2663 Creole](#)
[PBSD 2663 Portuguese](#)
- ☐ Complete [PBSD 2508](#) - Student Bullying, Harassment, Sexual Harassment, and Teen Dating Violence and Abuse Report
- ☐ Complete [PBSD 0335](#) - Student Accident Report (Fill out top portion and description with initials)
- ☐ Interview Respondent on date/time provided
- ☐ Interview witnesses (advise witnesses and their parents that their names will be disclosed to the Complainant and Respondent in the Investigation Report)
- ☐ Draft Investigation Report (include questions asked and responses for each party interviewed)
 - ☐ Draft Investigation Report (include questions asked and responses for each party interviewed)
 - ☐ Complete [PBSD 2509](#)- Student Investigation Summary (Do not select anything under Section IV. Indicate your Findings)
 - ☐ The evidence and draft Investigation Report are shared with parties (delivered simultaneously)
 - ☐ Complete [PBSD 2597](#)- Student Investigation Evidence (attach evidence relating to the incident)
 - ☐ Parties (Complainant and Respondent) have 10 days to review the report, during which they can:
 - ☐ Introduce additional information that would aid in the investigation
 - ☐ Propose relevant questions to be asked of either party (Complainant and Respondent)
 - ☐ Any additional information or questions with answers and provided to both parties for review
 - ☐ After 10 Days, the Investigation Report and all evidence are provided to the Decision maker
 - ☐ Decision maker
 - ☐ Reviews all the evidence and reports to determine responsibility
 - ☐ May provide sanctions
 - ☐ May implement additional remedies for both parties
 - ☐ Writes outcome and rationale for the determination of responsibility
 - ☐ Decision maker completes [PBSD 2664](#)- Determination of Responsibility



INFORMAL RESOLUTION

*No Disciplinary action regarding the incident until the investigation is complete

- ☐ Intake of Complaint Form 1615- in writing, signed by Complainant or Title IX Lead Contact
 - [PBSD 1615](#)
 - [PBSD 1615 Spanish](#)
 - [PBSD 1615 Creole](#)
 - [PBSD 1615 Portuguese](#)
- ☐ Notice of Allegation Form 2663 provided to Respondent (Include sufficient details & time to prepare a response. Complete within 2 days unless the investigation is delayed due to concurrent law enforcement or child protective services investigations.)
 - [PBSD 2663](#)
 - [PBSD 2663 Spanish](#)
 - [PBSD 2663 Creole](#)
 - [PBSD 2663 Portuguese](#)
- ☐ Complete [PBSD 2508](#) - Student Bullying, Harassment, Sexual Harassment, and Teen Dating Violence and Abuse Report
- ☐ Complete [PBSD 0335](#) - Student Accident Report (Fill out top portion and Description with initials)
- ☐ Complete [PBSD 2509](#) - Student Investigation Summary (Do not select anything under Section IV. Indicate your Findings)
- ☐ Complete PBSD 2665- Student Informal Title IX Resolution Agreement Summary
 - [PBSD 2665](#)
 - [PBSD 2665 Spanish](#)
 - [PBSD 2665 Creole](#)
 - [PBSD 2665 Portuguese](#)
 - o Voluntary, written consent of the parties and their parent/guardian
 - o Does not require the parties to confront each other or be present in the same room
 - o Both parties sign a resolution agreement
 - o A school, in its discretion, can offer and facilitate informal resolution options, such as mediation, restorative justice, or other supportive and safety measures
- ☐ Complete [PBSD 2597](#)- Student Investigation Evidence (attach the 2665 and any other additional documentation)



Absence of Formal Complaint

*Student Code of Conduct may still apply based on the incident, and could receive possible disciplinary action.

If the parent/ guardian of the complainant withdraws from the Formal Grievance Process and Informal Resolution Agreement, schools are still required to complete and submit the following documentation:

- ☐ Complete PBSO 1615- Original Intake of Complaint- If received in writing- Signed by Complainant/ Title IX Lead Contact (TXLC)
[PBSO 1615](#)
[PBSO 1615 Spanish](#)
[PBSO 1615 Creole](#)
[PBSO 1615 Portuguese](#)
- ☐ Complete [PBSO 2508](#)- Student Bullying, Harassment, Sexual Harassment, and Teen Dating Violence and Abuse Report
- ☐ Complete [PBSO 0335](#) -Student Accident Report (Fill out top portion and Description with initials)
- ☐ Complete [PBSO 2663](#)- Notice of Title IX Allegation (kept on file and attach to 2597 *not given to Respondent)
- ☐ Complete [PBSO 2509](#) - Student Investigation Summary
- ☐ Complete [PBSO 2597](#)- Student Investigation Evidence



Title IX Decision Maker



Decision Maker Process

- Investigator shares Investigation Report with the Decision Maker
- All District Investigation Forms (2508, 2509, 2597) and evidence is provided to Decision maker
- Decision maker
 - Reviews all evidence and report to determine responsibility
 - May provide sanctions
 - May implement additional remedies for both parties
 - Writes outcome and rationale for determination of responsibility
- Decision maker completes PBS Form 2664- Determination of Responsibility
- Outcome of Investigation and grounds for Appeal shared with parties



Key Points to Remember

- Call Parents
- Implement Supportive Measures even if you determine there is no jurisdiction under Title IX. If the alleged conduct has an adverse impact on the complainant's ability to access educational programs or services, supportive measures should be implemented.
- Call DCF
- Offer the HOPE Scholarship
- No Discipline until investigation is complete.
- If a law enforcement investigation has to happen, wait until that is complete.
- CALL US FOR ASSISTANCE



Contact

Eunice Vivar
Manager, Department of Safe Schools
Title IX Coordinator
Eunice.vivar@palmbeachschools.org
561-307