

1

# TITLE IX TRAINING

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**BRACKETT & ELLIS, P.C.**  
ATTORNEYS AND COUNSELORS

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1

2

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


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3

## Definitions

- ▶ Complainant = Alleged victim
- ▶ Respondent = Accused
- ▶ Parties = Complaint and Respondent
- ▶ Education Program or Activity
  - ▶ Locations, events, or circumstances over which the school exercises substantial control over both the respondent and the context in which the alleged sexual harassment occurred
  - ▶ Control not location
  - ▶ Broad, Broad, Broad



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## Respondent

- Employee?
- Parent?
- Student?

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## Respondent

- Volunteer?
- Recruiter on campus?
- Group leaders (pastors)?

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## Sexual Harassment

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*)
- 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 school's education program or activity
- Federal Crimes: Sexual assault (Clery Act), dating violence, domestic violence, or stalking (Violence Against Women Act (VAWA))

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## Unwelcome Conduct – MultiStep

1. Did the **behavior** occur?
2. Was it **subjectively** unwelcome?
3. Was it **objectively** offensive (reasonable person standard)?
4. Was it so severe, pervasive, and objectively offensive that complaint was **denied access**?

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## There can never be consent between an employee and a student.

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## Zero Tolerance

- ▶ The behavior, by itself, is enough to establish sex discrimination
- ▶ Applies to:
  - ▶ Quid Pro Quo
  - ▶ Federal Crimes



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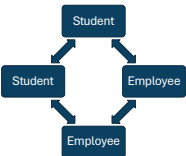
## Zero tolerance

- ▶ **Quid Pro Quo**
  - ▶ An employee of the school conditioning the provision of an aid, benefit, or service of the school on an individual's participation in unwelcome sexual conduct.
- ▶ **Federal Crimes**
  - ▶ Sexual Assault: rape, fondling, incest, statutory Rape
  - ▶ Dating Violence
  - ▶ Domestic Violence
  - ▶ Stalking

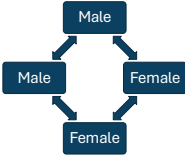
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## Myth Busting



Focus on the behavior



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## Pregnant Students

- ▶ Title IX prohibits discrimination against students, employees, or applicants based on pregnancy, false pregnancy, termination of pregnancy, childbirth, or recovery.
- ▶ Recommend sending notice that provides:
  - ▶ Title IX Coordinator's contact information and
  - ▶ The Title IX Coordinator can coordinate specific actions to prevent discrimination and ensure access, such as reasonable modifications


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## Students with Disabilities

- ▶ Consult with one or more members of a student's IEP or Section 504 team when a student with a disability is a Complainant or Respondent



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14

## Prompt Response

- ▶ A district with actual knowledge of sexual harassment in an education program or activity must respond promptly in a manner that is not deliberately indifferent.
- ▶ A district is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

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## Actual knowledge

Means notice of sexual harassment or allegations of sexual harassment to:

- ▶ Title IX Coordinator
- ▶ Any District official with authority to institute corrective measures
- ▶ Any employee of an elementary or secondary school

Educate and train your staff



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## Reporting Requirements?



- Law Enforcement
- State Board for Educator Certification
- Child Protective Services
- Parents

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17

## Notice to Parents: Tex. Educ. Code § 21.0061

- ▶ Provide to the parent or guardian of a student with whom an educator is alleged to have engaged in the following misconduct:
  - ▶ Abused or otherwise committed an unlawful act with a student or minor;
  - ▶ Was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor
- ▶ Provide as soon as feasible after becoming aware that alleged misconduct may have occurred

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## Notice to Parents: Tex. Educ. Code § 21.0061

- ▶ Notice should inform the parent or guardian:
  - ▶ That the alleged misconduct occurred;
  - ▶ Whether the educator was terminated following an investigation of the alleged misconduct or resigned before the completion of the investigation; and
  - ▶ Whether a report was submitted to the State Board for Educator Certification concerning the alleged misconduct.

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19

## Supportive Measures - Overview

- ▶ Individualized to the Complainant
- ▶ Designed to restore or preserve equal access to an education program or activity
- ▶ No unreasonable burden to the other party
- ▶ Nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent
- ▶ Protect safety of all parties or educational environment or deter sexual harassment
- ▶ Title IX Coordinator is responsible for effective implementation
- ▶ Confidential to the extent it does not impair the provision of the measures

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## Examples of Supportive Measures

- ▶ Stay Away Agreement
- ▶ Counseling
- ▶ Course-related adjustments (deadline extensions)
- ▶ Modifications of work or class schedules
- ▶ Campus escort services
- ▶ Increase in security and monitoring of certain areas of campus
- ▶ Mutual restrictions on contact between the parties
- ▶ Changes in work or housing locations
- ▶ Leaves of absences
- ▶ Other similar measures. See FFH (LEGAL)

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## Supportive Measures: It's an ongoing process

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## Emergency Removal of a Student

- ▶ It is generally not appropriate.
- ▶ To remove a student prior to determining responsibility, the District must:
  - ▶ Conduct an individualized safety and risk analysis;
  - ▶ Determine that an immediate threat to the physical health or safety of another exists arising from the allegations of sexual harassment; and
  - ▶ Provide the respondent notice and opportunity to challenge following the removal.


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## Emergency Removal of an Employee

- ▶ a/k/a Administrative Leave
- ▶ Appropriate supportive measure when Respondent is an employee
- ▶ Use with caution!
  - ▶ Can't restrict communication
  - ▶ Potentially out for a long time while process followed



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## Non-Employee Respondent

- ▶ GKA (LEGAL) (LOCAL)
- ▶ Refusal of Entry or Ejection - Trespass
- ▶ "Person poses a substantial risk of harm to any person"
  - ▶ No verbal warning required
  - ▶ Must provide written information on appeal process
  - ▶ Must accommodate parent or guardian's rights

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## Grievance Process

- Starts with formal complaint
- Process published on District's website
- Specific characterizations
- Specific steps

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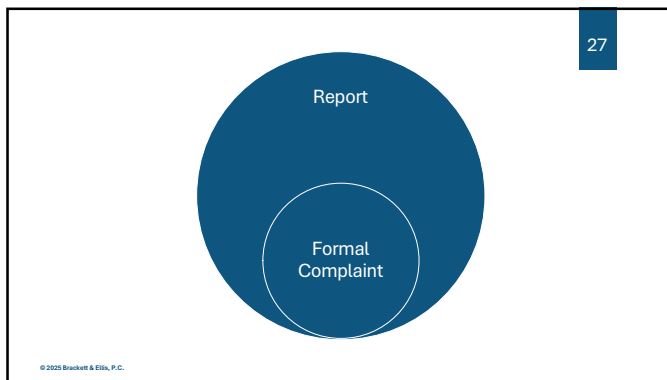
## File a Formal Complaint?

- ▶ Not necessary for the District to investigate
- ▶ Investigation may take awhile
- ▶ No additional consequences

What if the Respondent admits to the conduct?

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## Formal Complaint

- ▶ Signed by Complainant, Parent, or Title IX Coordinator
  - ▶ Filed with the Title IX Coordinator
  - ▶ In person, by mail, or by electronic mail
  - ▶ School can provide additional methods (must provide for signature)
- ▶ At the time filed, the Complainant must be affiliated with the school
- ▶ There is no time limit or statute of limitations

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## What if the Complainant does not want to file a Formal Complaint?

- ▶ If no formal complaint is filed, the District still has an obligation to promptly respond when it has actual knowledge of sexual harassment in an education program or activity and to provide supportive measures
  - ▶ Title IX Coordinator should access and file Formal Complaint if needed
- ▶ If the conduct falls outside the purview of Title IX, the District may still need to investigate the allegations outside of the Title IX grievance process and implement discipline pursuant to the Code of Conduct

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## Mandatory Dismissal

- ▶ Not sexual harassment
- ▶ Did not occur in school's program or activity
- ▶ Not against a person in the US

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### Permissive Dismissal

- ▶ If, at any time, a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations in the complaint;
- ▶ If the Respondent is no longer enrolled or employed by the District;
- ▶ If specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein; or
- ▶ If the Complainant no longer has any involvement with the District.

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## 32

### Dismissal Continued...

- ▶ Upon dismissal (mandatory or permissive):
  - ▶ Provide the Complainant written notice of dismissal
  - ▶ Consider whether a Code of Conduct violation occurred (student)
  - ▶ Consider whether the conduct is remedial or non-remedial conduct and take appropriate disciplinary action (employee)

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### Employment of Respondent Ends

- ▶ You may dismiss the Title IX Formal Complaint.
- ▶ You shall complete an investigation to determine whether the educator engaged in reportable misconduct and submit the final report to SBEC (TEC § 21.006(c)).

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### Notice of Allegations

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The District must provide written notice of the allegations to all known parties and allow sufficient time for the parties to prepare a response before any initial interview with the assigned investigator. FFH (LOCAL)

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Supplement the notice if new allegations arise

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### Content of the Notice of Allegations

1. Summary of the allegations that provide sufficient details to enable a response, which should generally include: the identities of parties involved; the conduct constituting sexual harassment; and the date/location of alleged incident(s)
2. Statement that the Respondent is presumed not responsible and that a determination will be made at the conclusion of the complaint process
3. Right of each party to have an advisor of choice
4. Right of each party to inspect and review evidence
5. The standard of evidence that will be used (preponderance of the evidence)
6. Notice of the Title IX complaint process, including procedures for informal resolution and appealing a final determination
7. Any provision of a District code of conduct or ethics that prohibits making false statements or knowingly submitting false information

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### Investigator

- ▶ Free of conflict of interest and/or bias
  - ▶ Generally
  - ▶ Specifically
- ▶ Understand the role
- ▶ Trained in all Title IX responsibilities



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### Outside Investigator

- ▶ The person accused is among senior leadership
- ▶ Questions raised regarding the bias of:
  - ▶ Title IX Coordinator
  - ▶ Investigator
  - ▶ School's process
- ▶ To ensure a prompt response
- ▶ Need expertise or resources for a large or complex investigation

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### The Investigation

You must investigate all Formal Complaints (except those that are dismissed for mandatory or permissive grounds)

All investigators must be trained regarding the 2020 Amendments to the Title IX regulations.

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### Investigation Process

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### Investigation Principles

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Treat the Complainant and Respondent equitably

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Objectively evaluate all evidence (inculpatory and exculpatory)

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Ensure the investigator has no conflict of interest or bias

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Remember the Respondent is presumed ~~not~~ responsible during the investigation

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The investigation must be conducted within a reasonably prompt time frame

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### Time Frame

- ▶ The investigation must be conducted within a reasonably prompt time frame.
- ▶ The Investigation Report should generally be finalized and provided to both parties within 30 days from the signing of a Formal Complaint, and the final determination of responsibility should be completed within 60 days from the signing of a Formal Complaint.
- ▶ Delays only for good cause - law enforcement investigations, party or witness absences, or providing disability accommodations
- ▶ Provide notice of the delay

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### Evidentiary Standard

- ▶ Preponderance of the evidence
  - ▶ A fact is more likely than not to be true
  - ▶ Probability of truth is greater than 50%
  - ▶ Where the evidence is 50/50, the result is a determination that the Respondent is not responsible
- ▶ Must use the same standard of evidence for all complaints against students and employees

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## Step 1: Review the Formal Complaint

- ▶ What type of complaint is it?
- ▶ What is the conduct alleged?
- ▶ Does the conduct, if proven, constitute sexual harassment, under the regulatory definition?
- ▶ Who are the parties involved?
- ▶ Does the Formal Complaint identify any evidence that may need to be quickly gathered and preserved?

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## Step 2: Develop a Plan

- ▶ What District policies, procedures, handbooks, etc. are implicated by the Formal Complaint?
- ▶ Who are the persons with knowledge of relevant facts or who may have evidence?
- ▶ What evidence will be necessary to complete a thorough investigation?
- ▶ Do I have a conflict of interest or bias?

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## Step 3: Identify and Gather Evidence

- ▶ Identify possible evidence
  - ▶ This includes documents, emails and email accounts, audio and video recordings, photographs, text messages, social media content, clothing, seating charts, etc.
- ▶ Locate and take control or possession of relevant evidence
- ▶ Preserve evidence/store in a secure location

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## Evidence

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The burden to gather evidence belongs to the school district

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Must be an equal opportunity for each party to present inculpatory and exculpatory evidence

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47

## The evidence must be relevant

- ▶ Evidence is relevant if:
  - ▶ It has a tendency to make a fact more or less probable than it would be without the evidence and
  - ▶ The fact is of consequence in determining the matter
- ▶ It tends to prove or disprove the matter

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48

## Limitation on Gathering Evidence and Searches

Employee belongings → if there is a reasonable belief you will locate evidence of misconduct

Student belongings → if there is a reasonable suspicion you will locate evidence of a Code of Conduct violation, and the scope of the search is reasonable based on the age and sex of the student

SEEK CONSENT FIRST


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### Privileged Information

- ▶ Information protected by a legal privilege may only be used during an investigation if the privilege is waived in writing by the person holding the privilege
  - ▶ Attorney- Client
  - ▶ Physician-Patient
  - ▶ Psychotherapist-Patient



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### Document the Gathered Evidence

- ▶ Prepare an evidence log
- ▶ Identify and describe each piece of evidence
- ▶ Identify the source from which you obtained the evidence
- ▶ May include a section regarding whether the evidence is relevant

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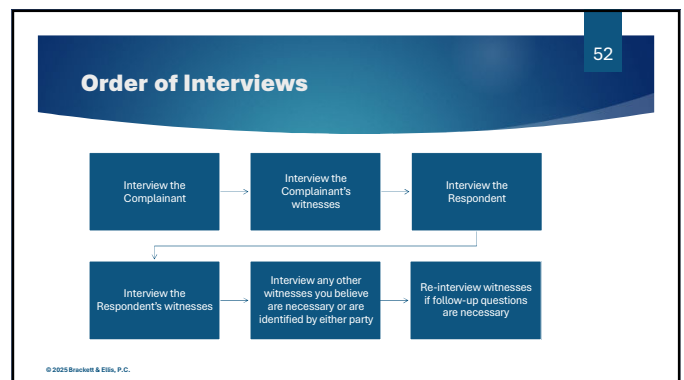
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### Step 4: Schedule Interviews

- ▶ Determine a logical order of interviews
- ▶ Schedule party interviews and provide written notice to the party being interviewed
- ▶ Determine whether any follow-up interviews are necessary. If so, schedule additional witness interviews

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### Interviews

- ▶ The District cannot require a party or witness to participate in an interview
- ▶ The District cannot discipline for nonparticipation



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### Written Notice of Interviews




- ▶ Provide written notice of party interviews, providing sufficient time to prepare
- ▶ Include:
  - ▶ The date and time of the interview
  - ▶ Location of the interview
  - ▶ Participants of the interview
  - ▶ Purpose of the interview

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### Location of Interviews




Choose a neutral location



Make efforts to ensure privacy



If the witness has an objection to the location, try to accommodate the witness



May use Zoom, Teams, etc., if necessary

55

## 56

### Confidentiality

- ▶ The District must keep information confidential as required by law except as necessary to provide supportive measures, to conduct proceedings under the formal complaint process, when disclosure is required by law, or when permitted by the District in compliance with the Family Educational Rights and Privacy Act (FERPA) and state law, or to otherwise carry out the purposes of 34 C.F.R. Part 106.
- ▶ However, the District may not restrict the ability of the parties to discuss the allegations under investigation or to gather and present relevant evidence.
- ▶ A Complainant's identity, if known, must be disclosed to the Respondent once a Formal Complaint is filed by a Complainant or signed by the Title IX Coordinator.

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### Step 5: Prepare Your Interview Outline

- ▶ Prepare an opening statement to review during interviews
- ▶ Identify topics for inquiry
- ▶ Prepare an interview outline with topics for inquiry and essential questions
- ▶ Identify any relevant evidence used or gathered during interview

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### Opening Statement

- ▶ Confirm voluntary participation of interview
- ▶ Identify the purpose of the interview
- ▶ Inform witness of the investigation process and provide instructions
- ▶ Request evidence the witness has and advise witness to preserve any evidence
- ▶ Advise witness to provide truthful information and that discipline could be issued for providing false information
- ▶ Address the need for confidentiality, where possible
- ▶ Advise that retaliation is prohibited

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### Prepare an Interview Outline

- ▶ Consider the key elements of a Title IX violation
  - ▶ Is the conduct on the basis of sex?
  - ▶ Is the conduct sexual harassment under the regulatory definition?
  - ▶ Was the conduct severe, pervasive, and objectively offensive?
  - ▶ Did the conduct occur within a District educational program or activity?
  - ▶ Was the Complainant denied equal access to an educational program or activity?

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### Tips for Good Questions



- ▶ Keep the questions open-ended
- ▶ Don't start with leading questions
- ▶ Keep your questions unbiased
- ▶ Develop a timeline of events to guide your questions
- ▶ Don't forget the Who, What, When, Where, Why, and How
- ▶ Ask for additional witnesses and for any relevant evidence

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## Remember it needs to be relevant

- ▶ **General Rule:** A Complainant's sexual history and prior sexual behavior is not relevant
- ▶ **Narrow Exceptions:**
  1. The evidence is offered to prove someone other than the Respondent committed the alleged sexual harassment
  2. The evidence relates to the sexual behavior between the Complainant and Respondent and is offered to prove consent

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62

## DON'T FORGET

- ▶ The age and abilities of your witnesses
  - ▶ Consider the vocabulary you use
  - ▶ Use more direct questions with younger students
  - ▶ Be prepared to ask questions many ways
  - ▶ Allow a support person, but establish ground rules
  - ▶ Establish a rapport
  - ▶ Do not criticize or praise answers

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## Step 6: Interview the Parties and Witnesses

- ▶ Stop and listen
- ▶ First, let the witness tell their story
- ▶ Then, ask open-ended questions
- ▶ Finally, follow up with more targeted questions
- ▶ Always end the interview by asking if there is anything else the witness thinks you need to know

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## Dos and Don'ts



- ▶ Take all allegations seriously
- ▶ Make the witness feel safe
- ▶ Be neutral and open minded
- ▶ Listen
- ▶ Elicit all relevant facts
- ▶ Test the credibility of statements
- ▶ Ask probing questions
- ▶ Ask for supporting documentation and corroborating witnesses



- ▶ Make credibility determinations based on stereotypes or status
- ▶ Create an unwelcoming environment
- ▶ Have an agenda
- ▶ Conduct an interrogation
- ▶ Shy away from hard or uncomfortable questions
- ▶ Rush to judgment
- ▶ Be argumentative
- ▶ Do all the talking
- ▶ Be unprepared

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## Should I record the interview?



- ▶ You can, but it presents some issues:
  - ▶ You must obtain parental consent to videotape or audio record a student
  - ▶ The recording is evidence you will need to provide to both parties
  - ▶ Sometimes confidential information is disclosed in a recording
- ▶ If you record one party, you should record the other party
- ▶ A party may record the interview, but if they do, you should also record the video

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## Right to an Advisor

The Complainant and Respondent must be given the opportunity to select an advisor of their choice

The advisor may be present at any meeting or interview during the investigation process

The advisor may inspect and review the evidence


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### Witness Statement or Memorandum of Interview?

- ▶ A witness statement is the strongest evidence
- ▶ But consider the age and abilities of the witness
- ▶ Prepare memorandums of interviews immediately after the interview
- ▶ May consider a combination of the two: prepare a witness statement for the witness to review, revise, and sign off on



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### Step 7: Post-Interview Tasks

Review all memorandums of interviews, witness statements, and evidence gathered

Determine whether any factual gaps exist and follow-up as necessary

Assess whether any allegations not in the Formal Complaint were received?

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### Step 8: Provide the Evidence to the Parties

- ▶ Send each party (and their advisors, if any) the evidence to inspect and review
- ▶ Only provide the evidence that is directly related to the allegations in the Formal Complaint
- ▶ The parties must be provided at least 10 days to review all of the evidence and submit written responses about the evidence
- ▶ Consider the parties' responses (if any)

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### Step 9: Evaluate the Evidence and Draft the Investigation Report




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### Evaluating the Evidence



- ▶ Investigators must objectively evaluate all evidence
- ▶ Credibility determinations are not made by the investigator
- ▶ Remember, the Respondent maintains a presumption of non-responsibility during the investigation

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72

### Preparing the Investigation Report

Summarize all relevant evidence and describe:

- ▶ The allegations potentially constituting sexual harassment;
- ▶ Any procedural steps taken by Title IX personnel from the receipt of the formal complaint through the conclusion of the investigation;
- ▶ The responses of each party to the allegations in the formal complaint;
- ▶ The evidence obtained by the District;
- ▶ The relevant evidence considered by the investigator;
- ▶ The parties' responses to the evidence after review and inspection;
- ▶ Findings of fact; and
- ▶ Any District policies or codes of conduct implicated by the facts.




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73

## Don't Forget

The purpose of the investigation report is to provide the decisionmaker with a fact-based summary based on relevant evidence. It is the basis for the District's subsequent decision.



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74

## Additional Tips

- ▶ Rely on facts, not opinions
  - ▶ Quote witnesses when possible
  - ▶ Identify specific actions/behaviors
  - ▶ Address the who, what, when, where, why, and how
- ▶ Include all relevant facts
- ▶ Exclude extraneous facts
- ▶ Acknowledge conflicting evidence and provide facts that may inform a decisionmaker's credibility determinations
- ▶ Explain any decision to not interview certain witnesses or include certain evidence

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## Step 9: Send the Report to the Parties



Send the report to each party at the same time



Notify each party that they may submit a written response to the report



Provide the parties at least 10 days to submit a written response


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76

## Step 10: Send the Investigation Report to the Decisionmaker

- ▶ After the District has sent the investigation report to the decisionmaker, the decisionmaker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness
- ▶ The decisionmaker must then provide each party with the answers and allow for additional, limited follow-up questions from each party
- ▶ The decisionmaker must explain any decision to exclude a question as not relevant



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## What do I do if law enforcement is involved?

- ▶ Keep investigating, unless law enforcement involvement requires delay of your investigation
- ▶ If it does, you must promptly resume your Title IX investigation once notified by the police that their investigation is complete
  - ▶ It does not relieve the school of its independent duty to investigate
- ▶ Provide notice of the delay to the parties

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78

## When you get the call...

Document all communications with law enforcement

Ask law enforcement to put any request to delay the investigation in writing

Ask law enforcement to notify you when you can proceed with your investigation

Communication is key – follow up

Regardless of law enforcement activity, consider the need for supportive measures



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### The Written Determination



- ▶ The decisionmaker must issue a written determination
- ▶ The investigator may not serve as the decisionmaker
- ▶ The Title IX Coordinator may not serve as the decisionmaker
- ▶ Decisionmaker must provide written determination to the parties simultaneously

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### The Written Determination Must Include:

1. Identification of the allegations potentially constituting sexual harassment
2. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, supportive measures, methods used to gather other evidence, and hearings held
3. Findings of fact supporting the determination
4. Conclusions regarding the application of the District's Code of Conduct or Code of Ethics to the facts

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### The Written Determination Must Include:

5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the Complainant
6. The District's procedures and permissible bases for the Complainant and Respondent to appeal

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## 82

### Remedies & Disciplinary Measures

- ▶ The Title IX Coordinator is responsible for implementing any remedies
- ▶ Remedies:
  - ▶ Can be same as supportive measures
  - ▶ Can be disciplinary and/or punitive
  - ▶ Designed to restore or preserve equal access
  - ▶ Only assigned or implemented after determination of responsibility
- ▶ Disciplinary Measures
  - ▶ Consistent with Code of Conduct and Code of Ethics
  - ▶ Consistent with grievance procedures

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82

## 83

### Now what?

<p><b>1</b></p> <p>Retain the investigative report, evidence, and written determination</p>	<p><b>2</b></p> <p>Consider again whether an SBEC report is required, or provide the written determination to SBEC</p>	<p><b>3</b></p> <p>Consider again whether a CPS report is required</p>	<p><b>4</b></p> <p>Consider whether termination/non-renewal is necessary or student should be disciplined</p>
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## 84

### Appeals

- ▶ Must offer to both parties
- ▶ Required Grounds
  - ▶ Procedural irregularity
  - ▶ New evidence
  - ▶ Conflict of interest or bias
- ▶ School may offer additional grounds

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85

## Appeals

- ▶ If an appeal is filed, you must provide written notice to all parties
- ▶ Equal opportunity to submit a written statement
- ▶ Appeal decision-maker must be new to the grievance process for the matter being appealed
- ▶ Written determination must be provided to both parties


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## Recordkeeping

- ▶ 7 years by regulations
- ▶ SOL for sex crimes against children under Texas law is 20 years from the child's 18th birthday, so retention beyond 7 years is advised
- ▶ May be supplemented



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87

## Informal Resolution

- ▶ If a formal complaint has been filed, other than a complaint alleging sexual harassment of a student by an employee, and prior to reaching a determination regarding responsibility, the Title IX Coordinator may offer but may not require a party to participate in a voluntary informal resolution process, such as mediation.
- ▶ In addition, either party may request informal resolution by making a written request to the Title IX Coordinator, who will promptly notify the other party of this request. The other party is not required to agree to participate. If a party declines or at any time withdraws from an informal resolution process, the Coordinator will notify the other party that the informal resolution process has been terminated and resume the formal complaint process.

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88

## Informal Resolution Notice Must Include:

- ▶ Information regarding the allegations
- ▶ The requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
- ▶ Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.


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89

## Training

- ▶ Annually
- ▶ Materials published and made available to parties
- ▶ All participating school personnel, according to their respective roles
- ▶ Types:
  - ▶ Definition of Sexual Harassment
  - ▶ Scope of the school's education program or activity
  - ▶ How to conduct an investigation and grievance process
  - ▶ How to serve impartially



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90

## Retaliation

- ▶ **It's Prohibited**
- ▶ Retaliation includes: intimidation, threats, coercion, or discrimination
- ▶ Because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation, proceeding, or hearing.
- ▶ Grievance procedures

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90

## Questions?



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