

Title IX Coordinator Training

July 17, 2025



Title IX Training Series – July 2025



July
17

Title IX Coordinator

Thursday, July 17th 9AM - 12PM

July
24

Title IX Investigator

Thursday, July 24th 9AM - 12PM

July
31

Title IX Decision-Maker and Appeal Officer

Thursday, July 31st 9AM - 12PM

Aug
7

Title IX Informal Resolution Facilitator

Thursday, August 7th 9AM - 12PM



Disclaimer

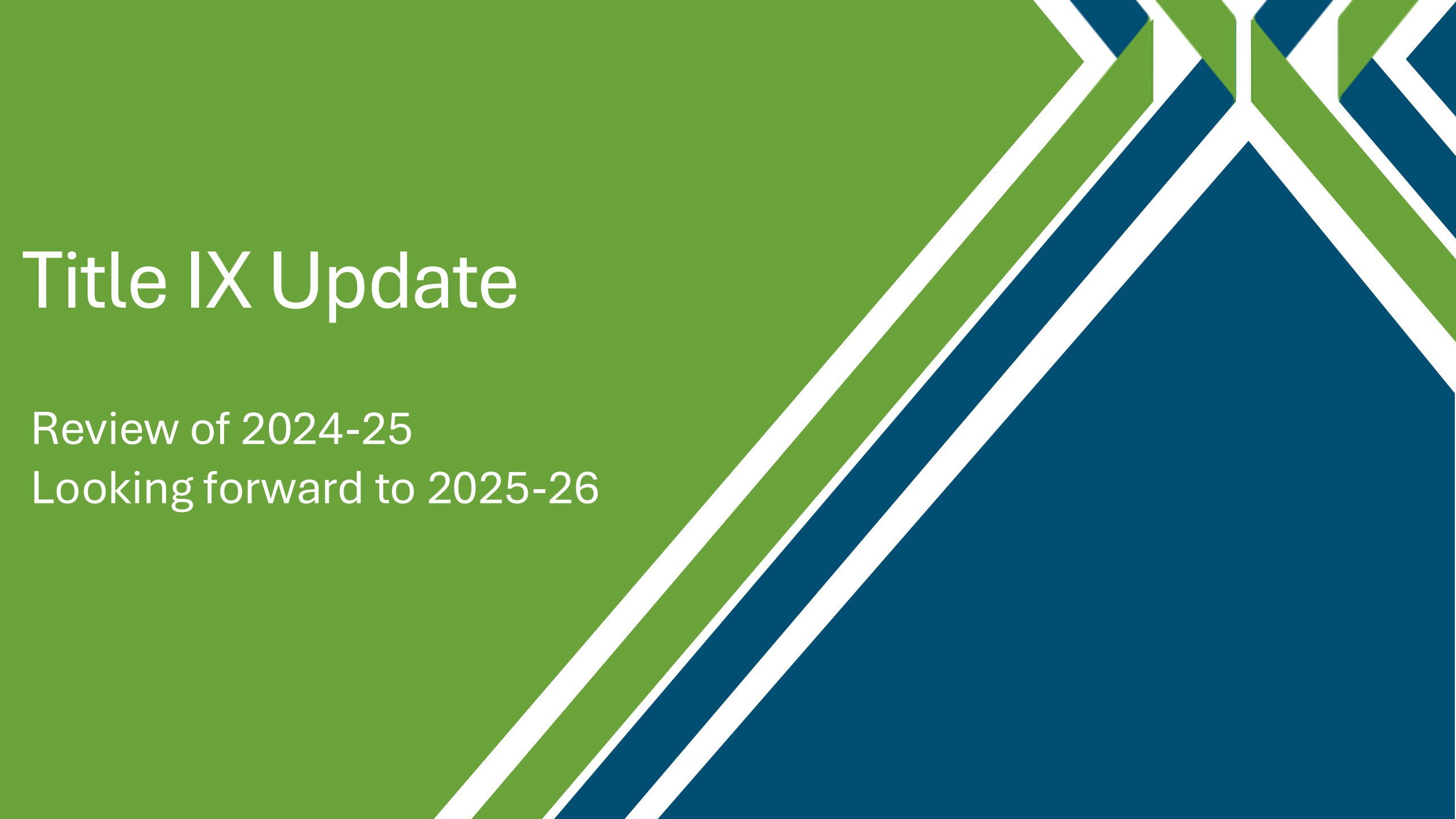


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Agenda



- 2024-25 Title IX Updates
- Title IX Law
- Title IX Sexual Harassment under 2020 Title IX Regulations
- Title IX Roles and Parties
- Title IX Coordinator's Role and Responsibilities
 - Overall compliance
 - Outreach to Complainants
 - Overseeing the Title IX Investigation Process



Title IX Update

Review of 2024-25

Looking forward to 2025-26

Title IX – 2024-25 School Year

**2024 Biden administration
Title IX regulations set to take
effect on 08/01/24.**



**Court case decided on 01/09/25
vacated 2024 regulations, finding
that they were unlawful as enacted
(*State of Tennessee v. Cardona*).**



Litigation challenges throughout US

- ❖ **State challenges**
- ❖ **Special interest challenges**
- ❖ **Biden administration proposed multiple revisions to Supreme Court that were rejected**



**US Department of Education
issues a Dear College in February
2025 explicitly stating that August
2020 regulations apply
retrospectively and
prospectively.**

Return to 2020 Regulations



- ❖ Detailed process that addresses Title IX complaints of sexual harassment, as further defined in the regulations, ONLY
- ❖ Does not provide required process for other Title IX complaints, such as sex discrimination
- ❖ Do not address some of the areas that were expanded in the 2024 regulations, including pregnancy
- ❖ Prohibitions against sex discrimination are not extended to discrimination/harassment based upon gender identity

Settlement Update on Sexual Misconduct – United Educator's Large Loss Report 2025

- ❖ 26 largest, publicly-reported claims settled and/or judgments rendered in by K12 schools/school districts nationally
- ❖ Ranged from \$2.5M-\$129M
- ❖ Types of claims in this group included:
 - 23 Allegations of Sexual Misconduct
 - 1 Allegation of Physical Abuse
 - 1 Allegation of Athletic Injury
 - 1 Allegation of Accidents and Crimes
- ❖ Sexual misconduct grew at 3 times the rate of other claims
- ❖ Defense costs for ELL and CGL claims are about 50% of the overall cost of a claim (settlement amount)
- ❖ Sexual misconduct claims comprised 44% of general liability losses incurred from 2019 through 2023

Administrative Update:

Department of Education, Office for Civil Rights

- Layoff of significant number of staff in OCR
 - **7 of 12** civil rights offices across the country were closed
 - The U.S. Supreme Court on Monday allowed the Trump administration to proceed with laying off **nearly half** the U.S. Department of Education's staff (Decision dated 7/14/25)
- Special Investigation Team (SIT) specialized team of investigators from across ED and DOJ offices. The establishment of the Title IX SIT will allow personnel to apply a rapid resolution investigation process to the increasing volume of Title IX cases
- From March-June 2025:
 - OCR initiated over **309 investigations**
 - DEI efforts
 - Transgender inclusion
 - Antisemitism
 - OCR **settled 290 matters**
 - OCR **dismissed 3,424 complaints**
- OCR settlements set the tone for civil rights policies, procedures, and enforcement nationally.

California Update: Recent OCR Activity



- Transgender athlete's participation in California Interscholastic Federation (CIF) championships
- CIS gender athletes allowed to advance if they lost qualifying position to a trans athlete
- OCR gave CA 10 days to rescind sports prizes awarded to trans athletes and ban trans athletes from participation (June 27, 2025) through a resolution agreement
- CA Department of Education publicly stated it would not comply
“The CDE respectfully disagrees with OCR’s analysis, and it will not sign the proposed Resolution Agreement.”
- Law at issue was enacted in 2013
- DOJ’s Civil Rights Division (CRD) sued the state’s department of education and CIF

“NO COURT HAS ADOPTED THE INTERPRETATION OF TITLE IX ADVANCED BY THE FEDERAL GOVERNMENT, AND NEITHER the Governor, nor THEY, get to wave a magic wand and override it — unlike Donald Trump, California follows the law.” - Elana Ross, CA Department of Education

“California state law protects all students’ access to participate in athletics in a manner that is consistent with their gender identity. We will continue to follow the law and ensure the safety of all our athletes.” - Tony Thurmond, State Superintendent of Schools

California Update: Sexual Misconduct Litigation



- At least 1,000 lawsuits against California school districts and counties stemming from [AB 218](#), a sexual abuse reform law that took effect in 2020.
- The law temporarily dropped the statute of limitations on sexual misconduct claims and provided a three-year window for victims to file claims, making it easier for them to sue school districts and counties.
- Most settlements range from \$5 million to \$10 million but some have been much larger:
 - In 2023 a jury delivered a \$135 million verdict against Moreno Valley Unified in Riverside County.
 - Los Angeles Unified is expecting to pay more than \$500 million to settle a portion of its claims.
- Overall, the claims against schools total nearly \$3 billion.

Title IX

"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."

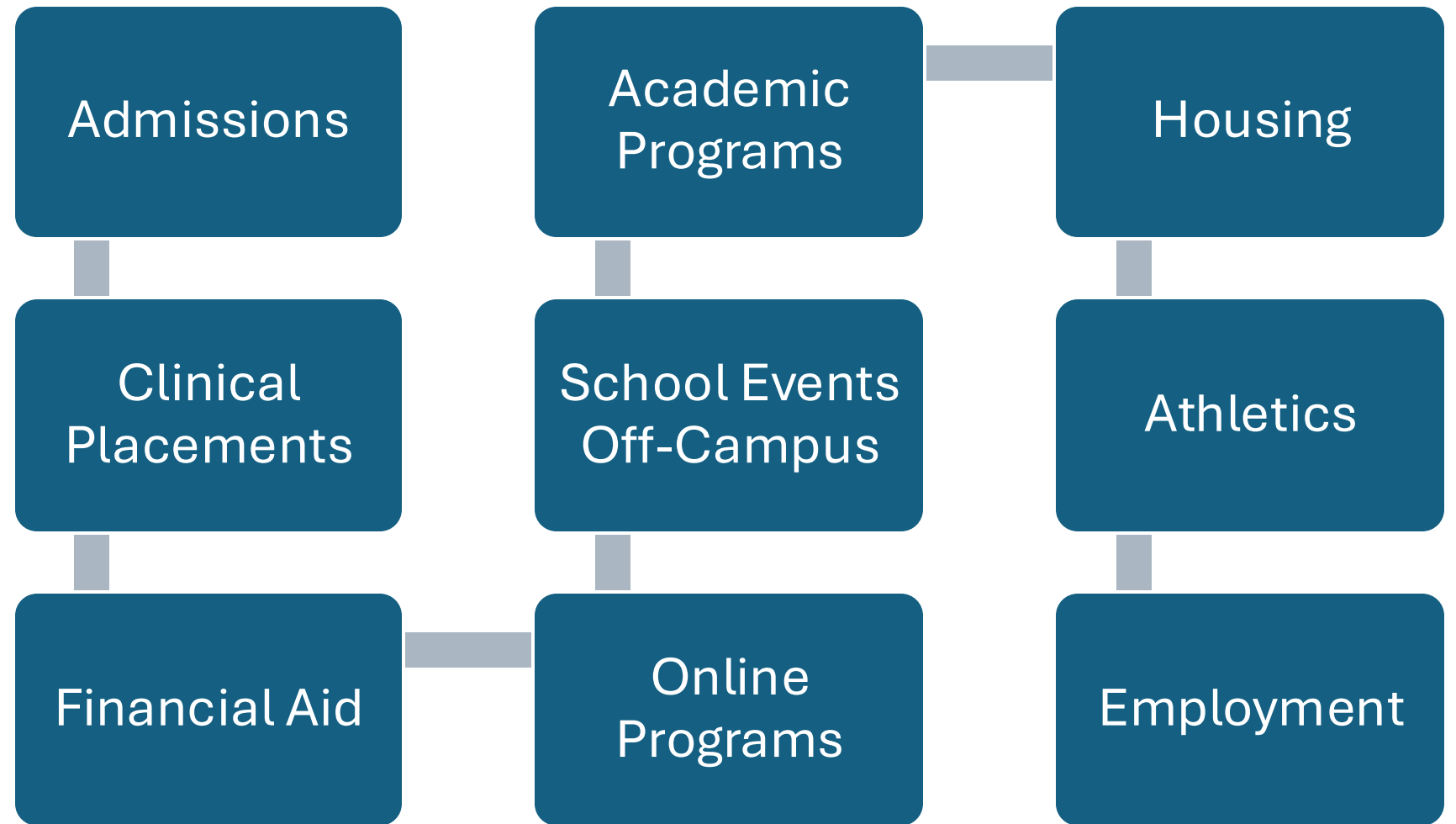
- Title IX of the Education Amendments of 1972

Enforced by the Office for Civil Rights (OCR)



Title IX

- Prohibits sex discrimination in educational programs and activities.



Title IX: Scope of the Education Program or Activity

Locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution.

Off-campus activities covered if one (1) of three (3) requirements are met:

1. The off-campus incident occurs as part of the school's operations;
2. The school exercised substantial control over the respondent and the context of alleged sexual harassment that occurred; or
3. *The incident of sexual harassment occurs at an off-campus building owned or controlled by a student organization officially recognized by a college.*

TIXGP: Jurisdiction Defined

Occurring in the institution's
education program or
activity

- includes locations, events, or circumstances over which the school exercised substantial control over both the respondent and the context in which the sexual harassment occurred

Against a person in the
United States

Educational institutions must respond in a manner that is not **deliberately indifferent** when it has actual knowledge of sexual harassment occurring in the institution's education program or activity against a person in the United States.

Failure to respond to a complaint following the Title IX process could be evidence of deliberate indifference.

Reporting Obligations of K12 Employees



Non-Confidential Employees

All employees, except Confidential Employees, have an obligation to report to Title IX Coordinator upon notice about Title IX complaint

Confidential Employees

Mental Health professionals with a license

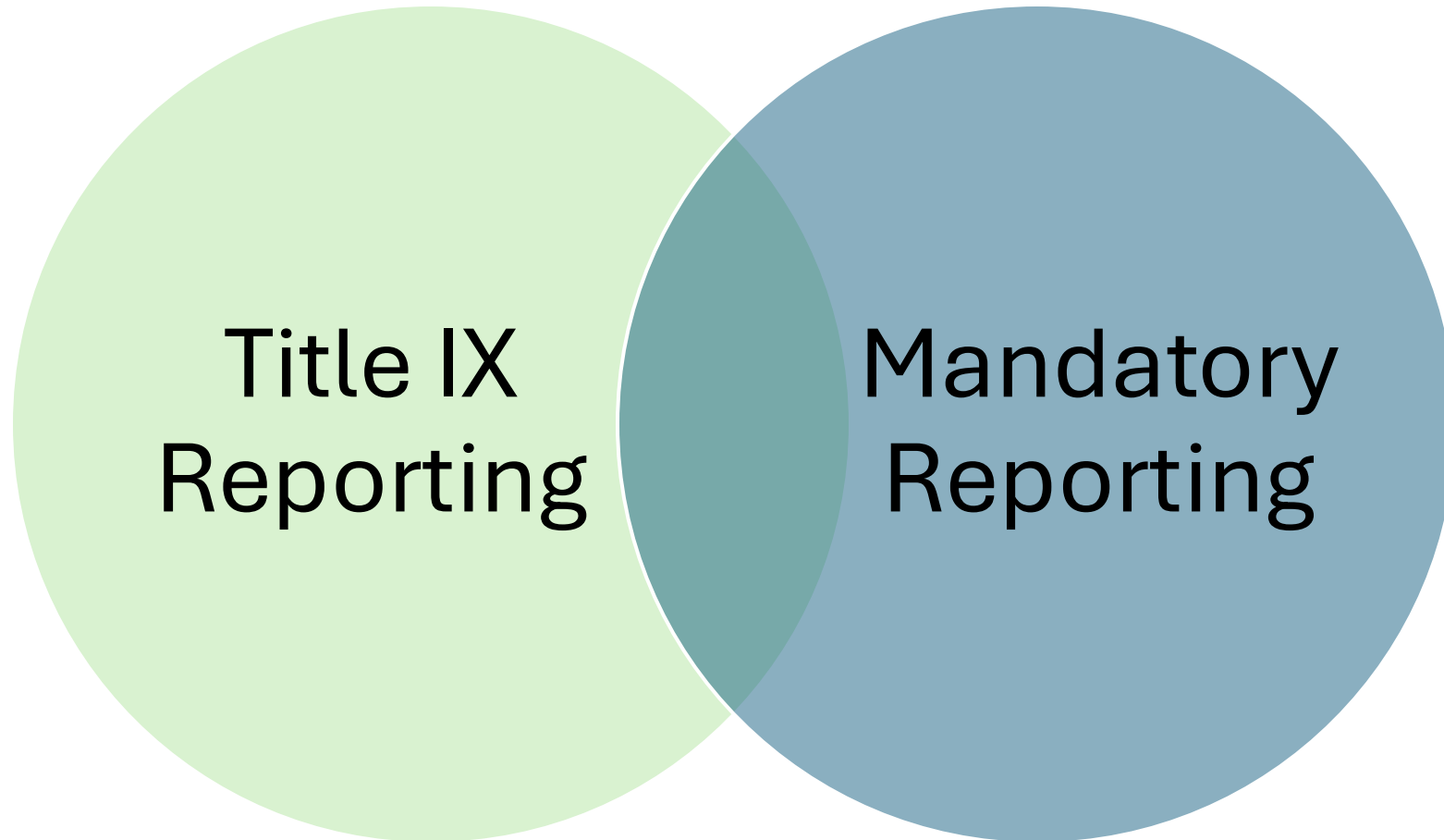
No duty to report to Title IX Coordinator



Mandatory Reporting

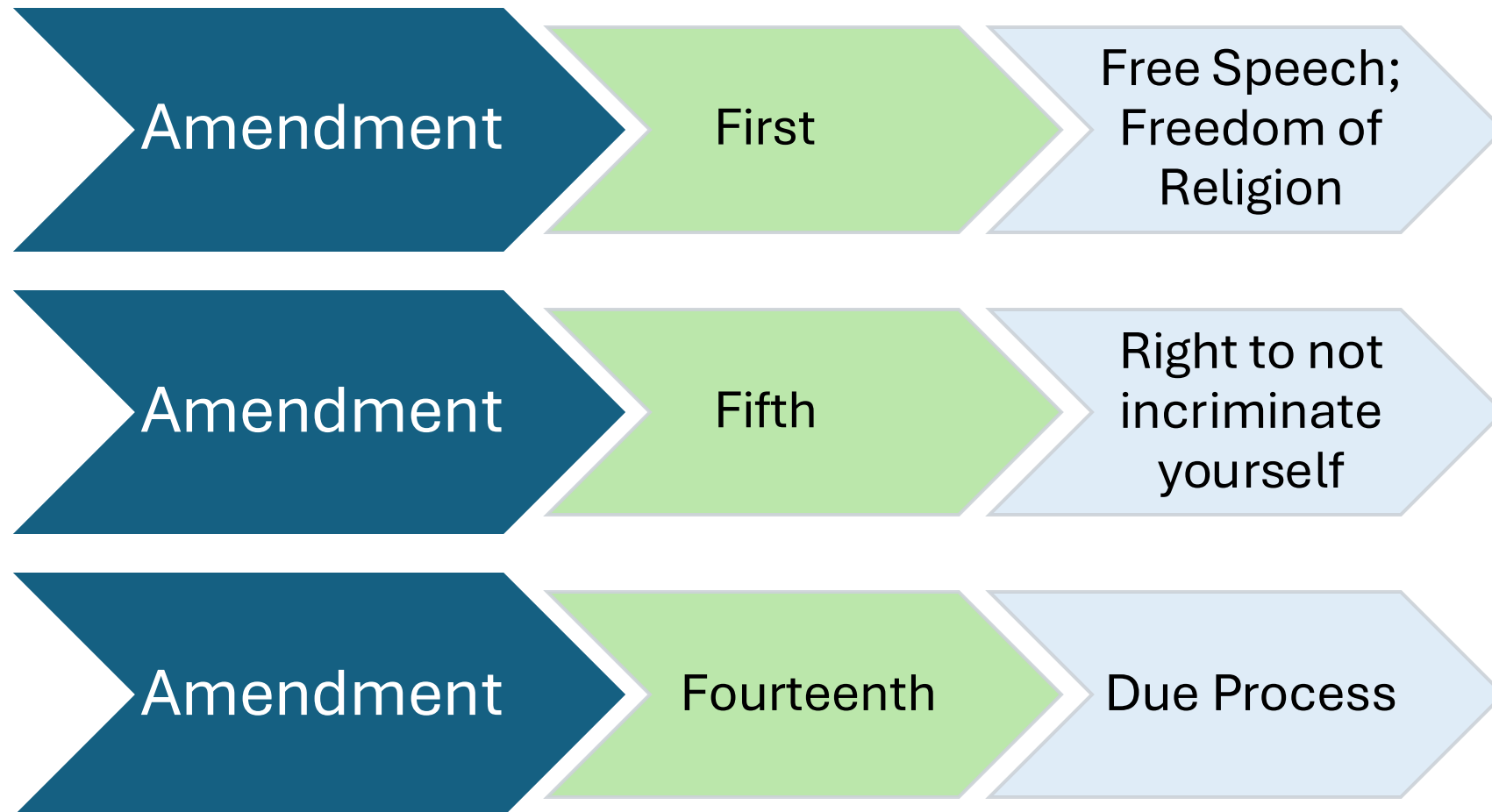
- Report to the appropriate agency when there is a reasonable suspicion that ***abuse or neglect of a child*** may have occurred.
- Child abuse is defined as physical abuse, neglect, sexual abuse and/or emotional maltreatment. This includes the sexual assault, sexual exploitation, and/or sexual abuse of a child; the willful cruelty or unjustifiable punishment of a child; incidents of corporal punishment or injury against a child; abuse in out-of-home care; and the severe and/or general neglect of a child.
- A child is a person under the age of 18.

Overlapping Reporting Responsibilities



Title IX Enforcement and Federal Constitutional Protections

Title IX process may not limit or restrict constitutional protections

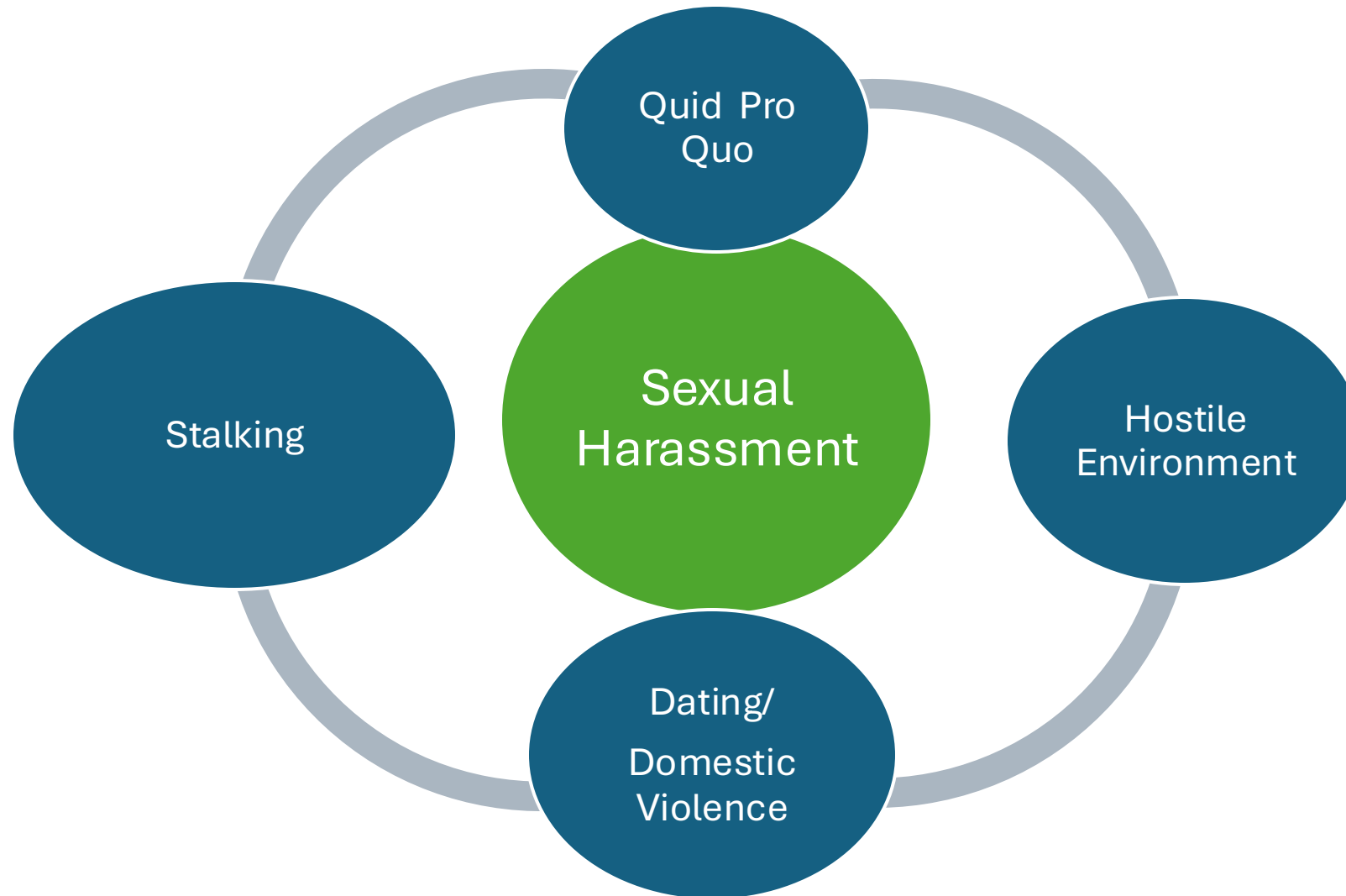




Title IX Sexual Harassment

Important Definitions

Title IX (TIX) Definition of Sexual Harassment



Quid Pro Quo Harassment



Defines conduct “on the basis of sex” and includes:

- Quid pro quo - An employee of the school conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct.

Hostile Environment Harassment



- Hostile environment - 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.

Specific Acts



- Sexual Assault
- Dating Violence
- Domestic Violence
- Stalking

Sexual Assault



Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the FBI.

Forcible:

- Any sexual act directed against Complainant, forcibly, against Complainant's will, or without consent, including rape, sodomy, sexual assault with an object, and fondling.

Non-Forcible:

- Offenses that do not involve force where the Complainant is incapable of giving consent, including statutory rape and incest.

Dating/Domestic Violence

Dating violence meaning violence committed by a person:

(1) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(2) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship;
- The type of relationship; and
- The frequency of interaction between the persons involved in the relationship.

Domestic violence meaning felony or misdemeanor crimes committed by a person who:

(1) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the school, or a person similarly situated to a spouse of the victim;

(2) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

(3) Shares a child in common with the victim; or

(4) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

Stalking



Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (1) Fear for the person's safety or the safety of others; or
- (2) Suffer substantial emotional distress.

Title IX Prohibits Retaliation



- Prohibition against retaliation for any participant in the Title IX reporting and investigation process
- Requires some level of school action

Although retaliation is prohibited under the 2020 regulations, the 2020 grievance process does not include retaliation, leaving it up to a district as to which process will be used.



Title IX Roles and Parties

Title IX Roles

Administration of Claims

- Title IX Coordinator
- Title IX Investigator
- Title IX Decision-Maker
- Title IX Appeal Officer
- Title IX Informal Resolution Officer

Training required for all of these administrators of Title IX matters

Parties

- Complainant – alleged victim/survivor
- Respondent – responds to the allegation(s)
- Advisor to parties

Other Participants

- Fact Witnesses
- Expert Witnesses

Conflicts of Interest

Relationship
to parties or
witnesses

Professional
conflicts

Personal
conflicts

Actual and
perceived

Impartiality



- Be neutral – neither pro-Complainant nor pro-Respondent
- Consider all of the evidence as presented
- Maintain an open mind regarding potential conclusions

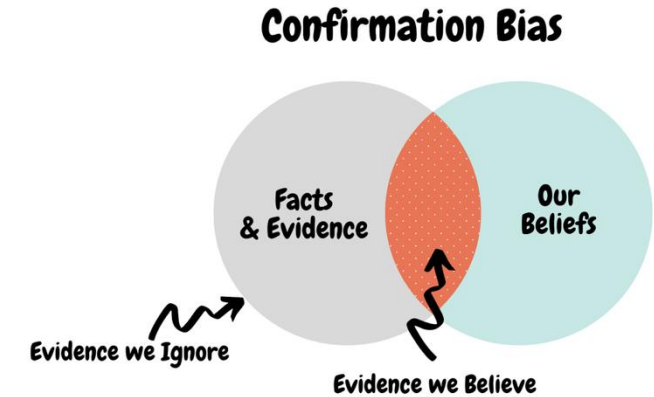
Stereotypes



- “A fixed, over generalized belief about a particular group or class of people.” (Cardwell, 1996)
 - Stereotypes around sexual assault
 - Stereotypes around sexual harassment
 - Complainant and Respondent
-
- No administrator in the Title IX process can rely on stereotypes to reach a conclusion

Bias

- Over 800 types of bias
- Conscious/Explicit
 - Discriminatory intent
 - Stated preferences
- Unconscious/Implicit
 - For the most part, most people are unaware of these drivers
 - Developed over a period of time and can influence many factors in hearing
 - Shortcuts developed by the brain and often play a role in:
 - Immediate response to conflict
 - Often mimics fear responses





Title IX Coordinator Role

and Responsibilities

Coordinate the School's Response (2020 Regs)

- Receive reports of claims and potential claims
- Provide required notices
- Examine (and/or re-examine) and implement supportive measures
- Determine appropriateness of a potential removal proceeding
- Act as Investigator in some instances
- Identify proper Decision-Maker
- Decide who will manage an appeal, if necessary
- Coordinate investigation, sharing of information between the parties, final outcome letter, and offering of appeal options
- Ensure proper documentation
- Provide training

Title IX Coordinator

Key Responsibilities

Overall Title IX compliance of programs/activities and report response

Central office for reports of sex discrimination and sexual harassment

Coordinate an effective response

- Respond to report
- Contact complainant
 - Supportive measures
 - Formal complaint process
- Manage the receipt of formal complaint and initiation of Title IX grievance process
- Determine if investigation is necessary in absence of formal complaint

Title IX Coordinator Responsibilities - Best Practices

- Coordinate the Title IX response on behalf of the school
- Monitor outcomes and identify patterns
- Adoption of Title IX policy and procedure
- Access to relevant data (i.e., participation, budgets)
- Information easily found online and in designated publications
- Permitted to conduct investigations
- Permitted to oversee investigations
- Avoid conflicts of interest, including exclusion from serving as the Decision-Maker
- Appropriate authority, qualifications, training, and time

Information about the Title IX Coordinator

Contact information for the Title IX Coordinator must be shared far & wide and include at minimum the following information:



Name of Title IX
Coordinator



School address
(with office
address)



Phone Number



Email Address

Information about Title IX Coordinator



- Must be shared with:
 - Students
 - Parents
 - Employees
 - Applicants for admission
 - Applicants for employment
 - Unions and/or parties to collective bargaining agreements
- Notify the above individuals of non-discrimination statement of the school
- Information must include notice of grievance procedure
- Information must promptly display contact information on the school's website (if applicable) and in each handbook or catalog made available to those persons



Title IX Coordinator

Executing the Grievance Process

Overview of Title IX Grievance Process (TIXGP)



- Respond promptly in a manner that is not deliberately indifferent
- Due process and fundamentally fair procedures to adjudicate the allegations
- Upon notification, supportive measures offered
 - Emergency removal
- Offer of formal process (upon signing of Formal Complaint)
 - Complainant files or Title IX Coordinator may file
- Both parties receive notice of the allegations
- Both parties participate in investigation and can inspect information gathered
- Separate decision-maker(s)
- Completed in a prompt time-frame
- Retaliation prohibited - define the retaliation complaint process

TIXGP: How Matters Can Proceed



Formal Complaint
Process



Title IX Initiated
Investigation



Informal Resolution
Process

After Report of Potential Sexual Harassment...

- All employees of K12 school districts have an obligation to report a matter of potential sexual harassment to the Title IX Coordinator
- Upon receipt of a report, the Title IX Coordinator has obligations for follow-up
- Outreach to complainant and intake meeting
- Offer of formal process
- Supportive measures
- Review of formal process
- Review allegations to determine if the matter is a true Title IX matter

TIXGP: Dismissal - Mandatory and Permissive



Mandatory dismissal

- Would not constitute sexual harassment as defined in regulations
- Did not occur in education program or activity
- Did not occur against a person in the U.S.

Permissive dismissal

- Complainant notifies Title IX Coordinator in writing that Complainant would like to withdraw formal complaint or allegations
- Respondent is no longer enrolled or employed by school district
- Specific circumstances prevent the school district from gathering evidence sufficient to reach a determination

TIXGP: Supportive Measures



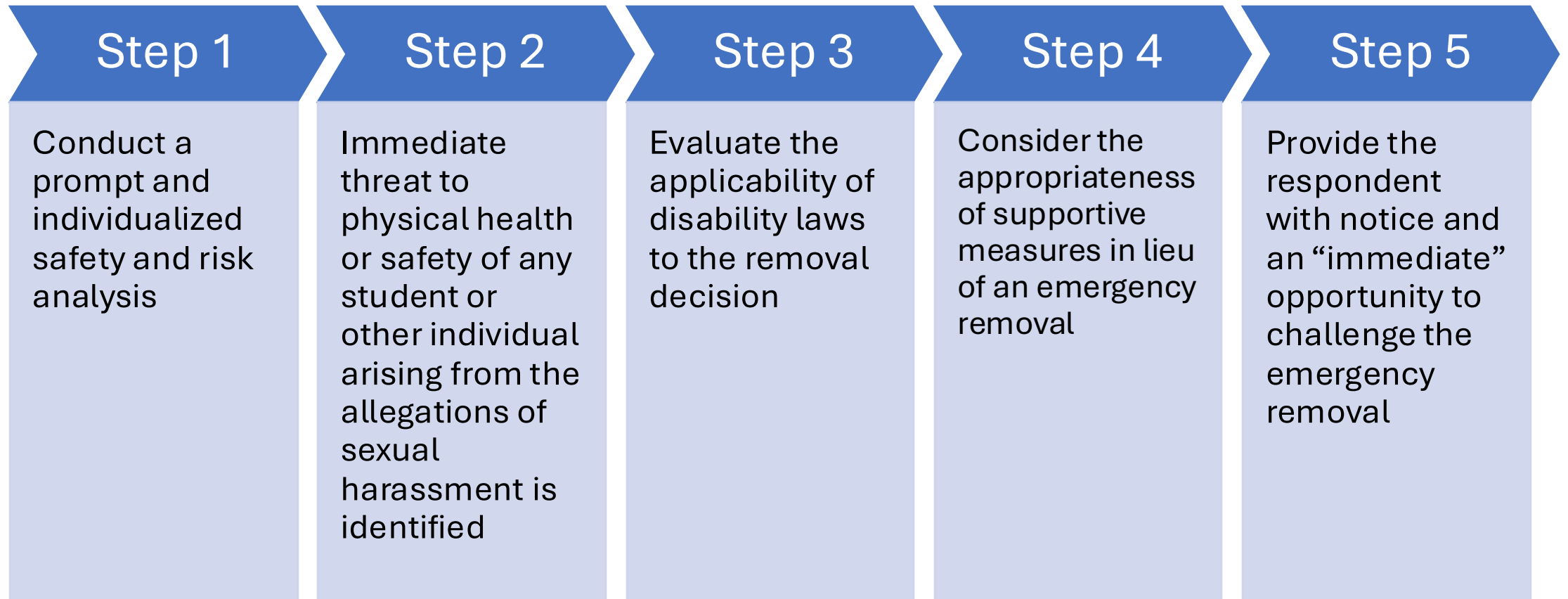
Supportive measures are:

- **non-disciplinary, non-punitive** individualized services offered as appropriate, as reasonably available
- without fee or charge to the complainant or the respondent
- are designed to **restore or preserve equal access** to the District's education programs or activities
- without unreasonably burdening either party, including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment.

Review No Contact Directive

The background features a series of parallel diagonal stripes in shades of green and blue, separated by white space. A large, solid blue triangle is positioned on the right side of the image, pointing towards the top right corner.

TIXGP: Emergency Removal Procedure



TIXGP: Offer of Formal Process

- Complainant offered formal process
 - Offer should be made to parents of minors
- Investigation process should be explained to complainant and parents
- Complainant must request an investigation
- Wishes of complainant are to be respected

TIXGP: Receipt of Formal Complaint



Form
completed



Verbal report



Phone call



Email



Other

**SEE SOMETHING?
SAY SOMETHING!**

TIXGP: No Formal Complaint Filed



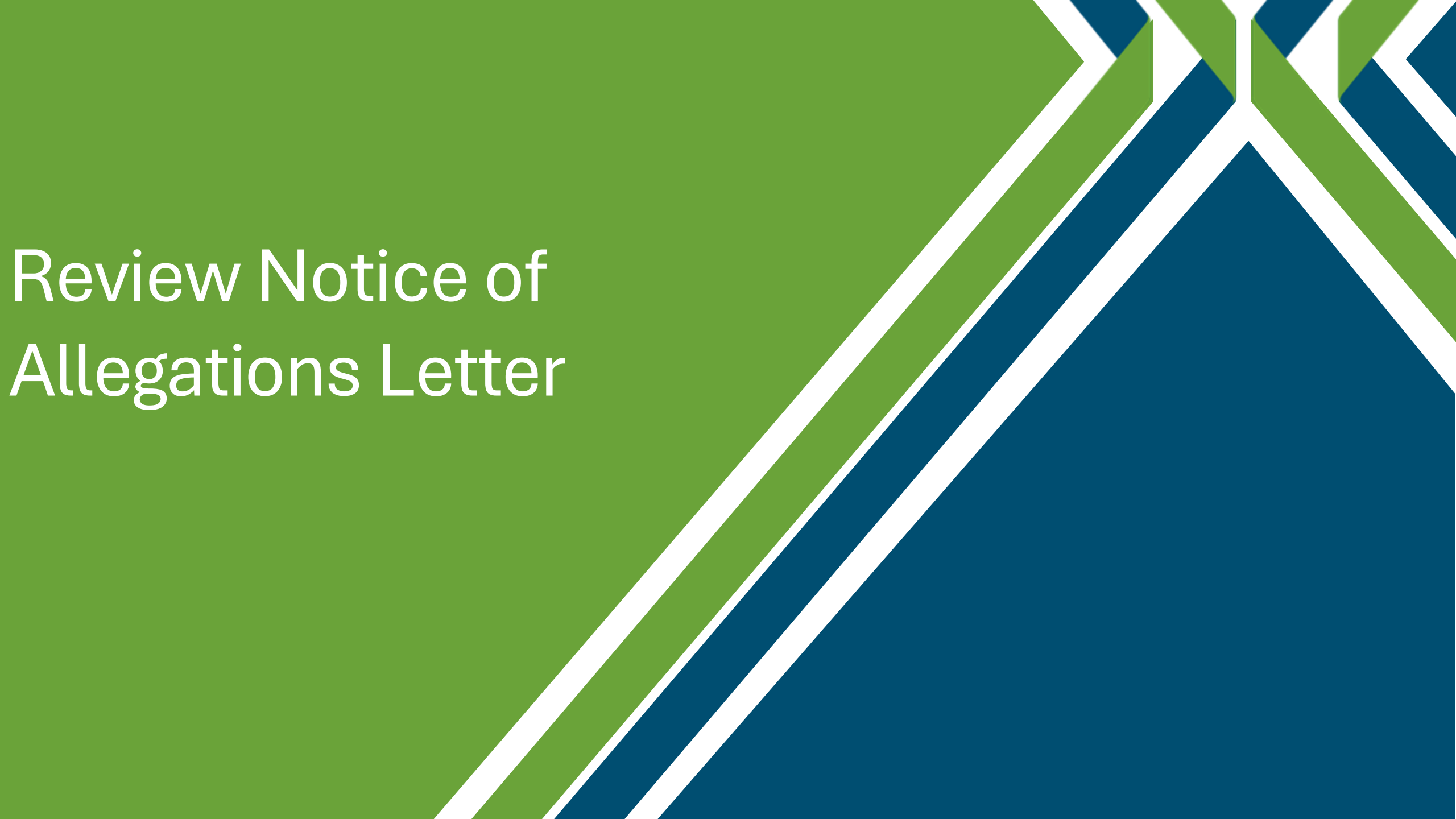
Title IX Coordinator may decide to proceed with an investigation

-evidence of deliberate indifference if investigation not initiated

NOTE: Title IX Coordinator does not become Complainant

TIXGP: Notice of Allegations

- Detailed allegations against respondent
- Supportive measures offered to respondent
- No supportive measure can appear disciplinary or punitive in nature



Review Notice of Allegations Letter

TIXGP: Separate Investigator and Decision-Makers



TIXGP: Investigation

- Investigator gathers relevant and irrelevant information
- All information must be shared with both parties
- Parties have ability to review investigation report and outcome, provide comments/written questions, and provide answers and limited follow-up

TIXGP: Burden of Proof



Preponderance of the evidence



Clear and convincing

TIXGP: Sharing of Investigation Information



- Both parties are given the FULL investigation file to review
- Documents shared or document inspection
 - 10 days for parties to respond to the information
- Investigator prepares a draft investigation report and shares it with both parties
 - 10 days for the parties to respond to the investigation report
- Investigator prepares final investigation report and shares it with both parties and the Decision-Maker

TIXGP: Decision-Maker

- Decision-Maker provides the parties with the opportunity to send questions or comments
 - 10 days to respond
 - Decision-Maker must determine:
 - Policy violation
 - Discipline (if found in violation of policy)
 - Decision-Maker issues an outcome letter to the parties
-
- In K-12, discipline decisions against students with disabilities may require a manifestation determination
 - A **Manifestation Determination** is a process, required by the Individuals With Disabilities Education Act (IDEA 2004), which is conducted when considering the exclusion of a student with a disability that constitutes a change of placement

TIXGP: Appeal Grounds

Procedural Review

Procedural irregularity in the Title IX grievance process that materially affected the outcome.

New Information

Newly discovered evidence that was not reasonably available at the time of the determination of responsibility or dismissal that could materially affect the outcome.

Conflict of Interest or Bias

Due to a bias or conflict of interest by the Title IX Coordinator, investigator, or decision-maker that materially affected the outcome.

TIXGP: Informal Resolution



- **Trained facilitators**
- Offered after formal complaint is filed
- Process must be detailed in writing
- Described to both parties
- Parties agree in writing
- Either party may end informal resolution before a formal agreement is accepted, and the matter returns to the Title IX investigation process
- **Never** available when complainant is student and respondent is employee
- Violation of an informal resolution agreement does not return you to investigation process

Title IX Coordinator Wrap-Up



- ✓ 2024-25 Title IX Updates

- ✓ Title IX Law

- ✓ Title IX Sexual Harassment under 2020 Title IX Regulations

- ✓ Title IX Roles and Parties

- ✓ Title IX Coordinator's Role and Responsibilities

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