



Title IX Training – Refresh + Remind

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West Contra Costa Unified Schol District | August 4, 2025

Content Advisory

Please note that some of the topics and content of this presentation are explicit and may be triggering for some individuals.

Viewer discretion is advised. If at any time you need to step away, please feel free to do so.

Thank you for your understanding and participation in this important conversation.



What is Title IX?

The Plain Language

*“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.”*

What Does Title IX Cover?



1. Education Programs or Activities
2. Sports
3. Employment
4. Equal Access to Facilities
5. Admissions and Recruitment
6. **Sexual Harassment****

Vacatur of the 2024 Title IX Regulations

- The Department of Education released new Title IX Regulations, referred to as the 2024 Title IX Regulations, that went into affect on August 1, 2024.
- However, on January 9, 2025, a federal district court in Kentucky vacated those 2024 regulations, essentially wiping the slate clean as though those regulations never existed.



Scope and Jurisdiction of Title IX Regulations

Title IX Definitions

Actual Knowledge

When ***any employee*** has notice of sexual harassment or allegations of sexual harassment.

Formal Complaint

A document filed by a ***complainant*** or signed by the ***Title IX Coordinator*** alleging sexual harassment against a respondent, and requesting that the District investigate the allegation.

Complainant

An individual who is alleged to be the ***victim of the conduct*** that could constitute sexual harassment.

Respondent

An individual who has been reported to be the ***perpetrator of conduct*** that could constitute sexual harassment.

2020 Title IX Definitions – Sexual Harassment

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

An **employee** conditioning the provision of an aid, benefit, or service of the district on the complainant's participation in unwelcome sexual conduct;

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 district's education program or activity; or

"Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), ***"dating violence"*** as defined in 34 U.S.C. 12291(a)(11), ***"domestic violence"*** as defined in 34 U.S.C. 12291(a)(12), or ***"stalking"*** as defined in 34 U.S.C. 12291(a)(36).

“On The Basis Of Sex” - Capacity

Age

- What if Respondent is really young?

Disability

- What if the Respondent has a disability?

Reasonable person standard.

Title IX Definitions – Sexual Harassment (Forcible Fondling)

Fondling, meaning the **touching of the private body part(s)** (buttocks, groin, breasts), of the complainant, causing another person to touch the private body part(s) of **complainant**, or causing complainant to touch another person's private body part(s), **for the purpose of sexual gratification, forcibly, and/or against their will (non-consensually)**, or not forcibly or against their will in instances in which the complainant is **incapable of giving consent** because of age or because of temporary or permanent mental or physical incapacity.

“Red Flag” Conduct of Potential Sexual Harassment

Flirtations or propositions

Derogatory comments

Sexual jokes or gestures

Spreading sexual rumors

Massaging, grabbing, or touching

Comments on a person's body

Sexual acts without consent or based on coercion

Non-consensual “sexting”

Sexploitation

GROUP ACTIVITY

Under the Title IX Regulations, the District must conduct a formal investigation into an incident in which a student made unwanted and repetitive sexual advances towards another student while on an overnight field trip.

True or False?



GROUP ACTIVITY

Under the Title IX Regulations, the District must conduct a formal investigation into an incident where an employee was sexually assaulted during a work conference.

True or False?



Title IX Jurisdiction

The conduct occurs against a person *in the United States*;

The conduct occurs in an education program or activity over which the District exercised *substantial control* over both:

The complainant was *participating/attempting to participate in* the education program or activity at the time the complaint was filed.

1) the *respondent* and

2) the *context* in which the sexual harassment occurs; and

GROUP ACTIVITY

You receive a call from a former employee, who alleges she was sexually harassed by a student who is still enrolled in the District.

Is this Title IX?



Having an Effective Title IX Team

What Roles Can Overlap?



Responsibilities of the Title IX Coordinator:

- Provides or coordinates Title IX trainings and preventative measures.
- Offers supportive measures to complainant and respondent.
- Explains the complaint/grievance process to the complainant.
- Receives all complaints and oversees the complaint/grievance or informal resolution process.
- Determines mandatory and discretionary dismissals.
- Evaluates corrective actions.
- Addresses patterns or problems.

Responsibilities of All Employees



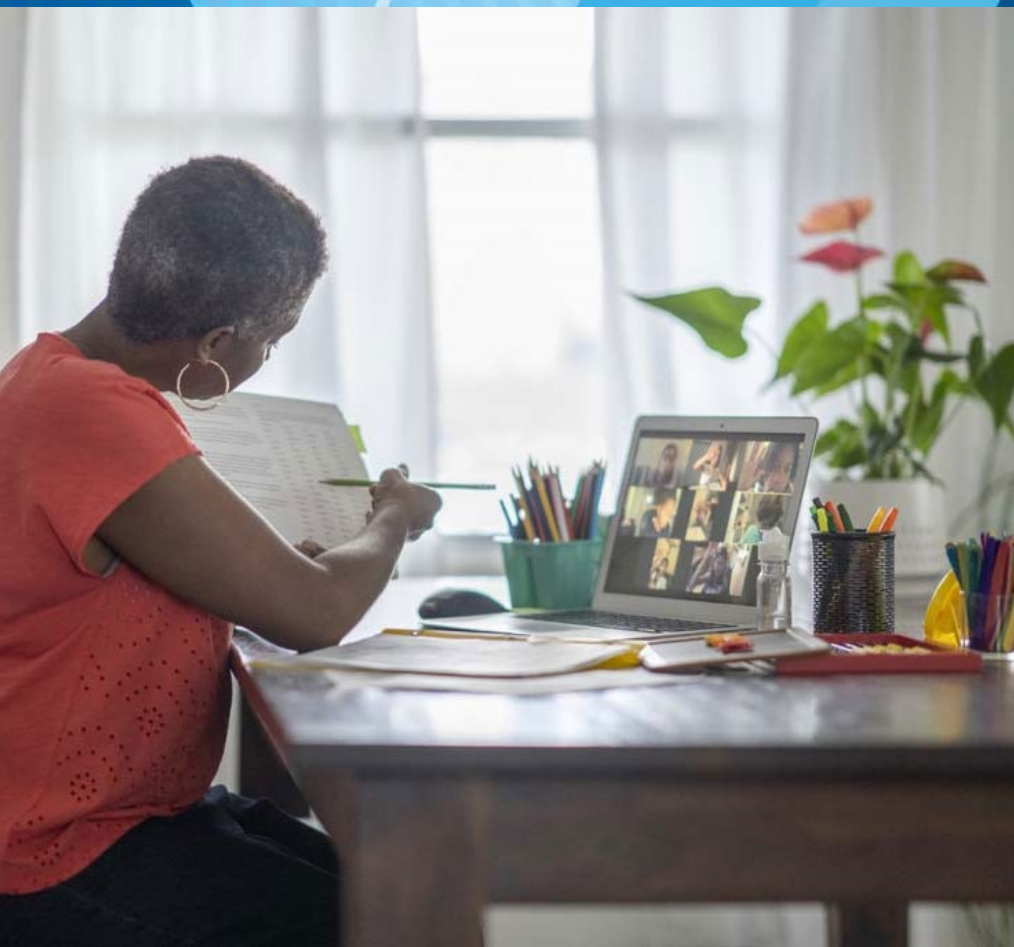
Identify and Report

If employee learns of possible Title IX complaint, they must notify their supervisor and/or the Title IX Coordinator.

This does not relieve an employee of their mandated reporter duties!

Title IX Complaint Procedures

Receiving a Report



- Notify the Title IX Coordinator.
- Title IX Coordinator (may ask site admin) should promptly schedule an Intake meeting with the Complainant.

Urgent Considerations



- Is there a threat of imminent harm to others?
- Was a crime potentially committed?
- Have mandated reporting obligations been triggered?

Receiving Reports (In General)

WHERE REPORTS COME FROM

Student

Parent

Employee

Member of Public

Anonymous Person

FORM OF REPORTS

Verbal

Written

No Complaint
(Rumor or Observation)

What if the Complainant Says, “Do Nothing?”

Inform of Options

- “You may file a complaint.”
- Supportive measures.

Title IX Coordinator

- Assess if need to file a Title IX complaint.

Other District Policies

- UCP.
- Bullying.
- Nondiscrimination in employment.
- Complaint against employee.

Have a Plan/Outline

Tell me what happened.
Explain why you're upset.
Describe how it made you feel.

Who? What?
Where? When?
How? **Why?**

Were you_?
Where was_?
Did you_?

Contact the Complainant

Intake Meeting with Complainant

- Gather facts.
- Supportive measures.
- Explain Title IX options.
- Discuss the District's policy that prohibits retaliation.

Intake Meeting with Complainant



- Ask open-ended questions.
- Listen and “hear” the concern without judgement.
- Do not ask “why” questions, unless necessary to determine allegations, or assess Title IX.
- Get complaint in writing or confirm allegations in writing if not already received.
- Do not promise confidentiality.
- Determine whether Complainant would be interested in resolving informally.*

Document your Intake Meeting

Dear [Name],

Thank you for sharing your experience with me. We covered a lot during our meeting, so I wanted you [and Parent] to have an email, as a reference. During our meeting you shared [brief description of reported conduct]. I want to make sure we minimize the impact of this experience on your time here at school. To do that we offered the following Supportive Measures: [List]. You decided that you want us to [list Supportive Measures agreed on].

I spoke to you about the different types of investigations, including Title IX, and asked if you wanted to file a Formal Title IX Complaint. You said that you are unsure but will get in touch when you make a decision. Please let me know how you would like to proceed, or if you have more questions about the investigation processes.

Warmly,



Supportive Measures

Designed to restore or preserve equal access to the educational program.

Cannot be disciplinary/punitive.

Cannot be retaliatory.

Offered to Complainant and Respondent.*

Determined on a case-by-case basis.

Supportive Measures

Examples:

- Counseling
- Medical services
- Academic support
- No-contact orders
- Increased security
- Changed schedules
- Independent study (voluntary)

Formal Title IX Complaint

- ***Formal Complaint:*** Document filed by a **complainant** (who is also the victim or the victim's parent/guardian) or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation.
- If Complainant and Title IX Coordinator do not want to file a Formal Complaint, the District still has an obligation to address the underlying conduct.

Formal Title IX Complaint – Filed by Title IX Coordinator

Analysis

- Deliberate Indifference
 - Threats
 - Serial predation
 - Violence
 - Weapons

Questions

- Will Complainant participate?
- How do we prioritize agency and autonomy, especially for adult Complainants?

Hypothetical

Eli, a senior in high school, comes to you to tell you that when he was a freshman, his classmate Drew sexually assaulted him in the bathroom of the park across the street from the school.

Is there Title IX jurisdiction?

Does the school exercises substantial control over

- The respondent; and
- The context in which the sexual harassment occurred?

**If it is determined
there is no Title
IX jurisdiction, do
you still
investigate?**

Investigation Timelines

Title IX - “reasonably prompt time frame”

District policies



Rights of Parties

- Receive detailed notice of investigation (names, dates, times, locations).
- Have a support person or advisor present throughout the Title IX grievance process.
- At least 10 days to review directly related evidence in preliminary report.
- At least 10 days to review relevant evidence in the final investigation report and submit written questions to the decision maker (K-12) or Live Hearing (can be through videoconference) (Higher Ed).
- Right to appeal decision by the Decision-maker.

Title IX and Student Discipline

STOP Before You Discipline

- The Title IX framework requires that the formal grievance procedure be concluded before any disciplinary measures are implemented.



Emergency Removals (Students)

Title IX Regulations require that the full Title IX grievance procedure be completed prior to discipline being imposed.

EXCEPTION: Emergency Removal

- Respondent must be an **immediate threat** to the physical health or safety of any student or individual;
- The immediate threat must arise from the allegations of sexual harassment; and
- Respondent is provided with notice and an opportunity to challenge the decision immediately after removal.

Administrative Leave

**Placing an
employee on
Administrative
Leave is not
disciplinary.**

Informal Resolution

Formal complaint.

Notice sent to both parties.

Both parties provide voluntary written consent.

Conduct informal resolution.

Title IX Grievance Procedure

Receive Complaint	Is it Title IX?	Formal Investigation and Report	Determination	Appeal and Corrective Action
- Complaint or notice to the Title IX Coordinator - Intake - Offer supportive measures to both parties - Discuss options to file a formal complaint	<i>Following a formal complaint:</i> - Definition of sexual harassment? - Title IX jurisdiction? - Mandatory/ discretionary dismissal - Consider UCP/ 4030 process - Emergency removal? - Administrative leave? - Determine if informal resolution is an option	- Identify timeline - Notice to parties - List of witnesses - Plan interviews - Gather evidence - Draft investigation report - Exchange evidence - Investigation report finalized and shared	- Exchange of written questions and answers - Determine if relevant - Written determination	- Appeal decision and rationale drafted and shared - Determine if discipline is appropriate once appeal window is closed - Corrective action - Systemic change

Corrective Actions

Staff/student discipline.

Ensuring no retaliation.

Additional support for involved parties.

Generalized training for staff/students in class, school, or district-wide.

Generalized notification of policies/rules.

Increased monitoring and check-ins.

Changes to District practice.

Reflect



During and after each Title IX process, reflect on how things went.

- Are there patterns of behavior that need to be addressed?
- Are additional trainings required to better assist the Title IX team for future cases?
- Do policies need to be updated/reworked to better fit the community, while remaining consistent with current law?

Maintaining Records

Formal Title IX Complaints:

Any investigation of sexual harassment.

Any appeal and the result therefrom.

Any informal resolution and the result therefrom.

No Formal Title IX Complaint:

Documentation of all actions to demonstrate the response was not deliberately indifferent.

Training Materials:

All training materials.

Title IX Log

Case Number	Date of Report/ Complaint	Complainant Information	Respondent Information
Nature of Complaint	If Complaint Dismissed, Reason Why	Informal Resolution	Investigator
Key Dates		Outcome/ Decision	Appeal Notes

Title IX Trainings



Who is required to be trained?

- Title IX Team – Coordinators, Investigators, Decision Makers, Appeal Officers, Informal Resolution Officers.
- What do they need to be trained about? – Definition of sexual harassment, the scope of the District's educational program or activity, how to conduct an investigation, how to serve impartially, and how to determine relevance.

Title IX Policies



- Districts must adopt Title IX policies that comply with the current status of the regulations.
- These are coded generally as AR 4119.12 and AR 5145.71.
- Districts that adopted or updated policies to reflect the 2024 Title IX regulations will need to determine how to change their policies to align with the current regulations.



Takeaways

- Doing nothing is not an option, if you observe/suspect sexual harassment, you must act.
- Even if conduct does not fall under Title IX, it may still need to be addressed.
- Ask for help! Don't go at it alone, seek help from your Title IX response team.



Questions?



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