



Title IX Update: Tips and Reminders

Legal Conference

Legal Services Office, Cypress-
Fairbanks ISD
2025-2026

Great Job!!!



What constitutes sexual harassment under Title IX?

“Sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:

- Quid Pro Quo: a school employee conditioning education benefits on participation in unwelcome sexual conduct
- Hostile Environment: 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
- “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)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

What constitutes sexual harassment under Title IX?

- ▶ The definition of sexual assault under Title IX includes:
 - ▶ non-consensual sexual penetration (vaginal, anal, or oral, including with an object);
 - ▶ sexual conduct where the victim is incapable of giving consent because of age or temporary or permanent mental or physical incapacity;
 - ▶ fondling (non-consensual touching of private body parts above or under clothing for sexual gratification);
 - ▶ incest (nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law);
 - ▶ and statutory rape (nonforcible sexual intercourse with a person who is under the statutory age of consent)

What constitutes sexual harassment under Title IX?

The term "dating violence" means violence committed by a person-
(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

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

- (i) The length of the relationship.
- (ii) The type of relationship.
- (iii) The frequency of interaction between the persons involved in the relationship.

Title IX Assignments in CFISD



Title IX Coordinator(s)
Assistant Principal
(Elem)
Assistant Principal
(MS)
Associate Principal
(HS)



Investigator
Assistant Principal



Decision maker
Campus Principal



Appeal Officer
Assistant
Superintendent



Informal Resolution Facilitator
Campus Title IX Coordinator

Understanding Formal Complaints

A formal complaint is a document filed by a complainant (or parent, or legal guardian) or signed by the Campus Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment.

The District's Title IX Formal Complaint procedures state that a formal complaint may be filed with the Title IX Coordinator by using a form provided by the District. However, a written or electronic document filed by a complainant alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation of sexual harassment that meets certain requirements may possibly be considered a formal complaint also.

The Formal Complaint Process Requirements--Prompt

Time Frame

Reasonably prompt time frame for its conclusion, including for appeals, with allowance for short-term, good cause delays, or extensions of the time frames.

Good time delay includes concurrent law enforcement activity, the absence of a party or witness, the absence of a party's advisor of choice, or the need for language assistance or accommodation of disabilities.

Under the District Title IX Procedures the Title IX formal complaint process beginning with filing or signing of the formal complaint and ending with the determination of responsibility is required to be completed within sixty (60) days, with days meaning District business days in accordance with District's school instructional calendar.

Informal Resolution Requirements

A formal complaint must have been filed in order to engage in informal resolution

The informal resolution process can be initiated at any time before a final decision is issued.

Not available for allegations involving allegation that an employee sexually harassed a student

The Campus Title IX Coordinator may offer the parties the option to participate in informal resolution but not require their participation

Either party may also request to participate in informal resolution by making written request to the Campus Title IX Coordinator

When should Informal Resolution be used?

Factors to be consider when making a decision as to whether or not to utilize informal resolution:

- The nature of the alleged offense
- Whether there is an ongoing threat of harm or safety to the campus community
- Whether alleged respondent is a repeat offender
- Whether the alleged respondent is participating in good faith

Informal resolutions should not be used when a respondent denies responsibility.

Informal Resolution Requirements

Prior to initiating the informal resolution process both parties must provide voluntary, informed, written consent to the Campus Title IX Coordinator

Campus Title IX Coordinator must provide written notice of the following prior to initiating informal resolution process:

- Allegations
- Circumstances under which the parties would be precluded from resuming a formal complaint
 - i.e. after agreeing to a resolution determination
- The right to withdraw
- Consequences of the process

Conducted by the informal resolution facilitator who assists the parties in reaching an agreement.

Informal Resolution Requirements

An agreement reached in writing through the informal resolution process cannot be appealed through formal complaint process.

A party may terminate the informal resolution process at any time prior to reaching an informal resolution agreement by contacting the Campus Title IX Coordinator in writing, and the Campus Title IX Coordinator will notify the other party that the informal resolution process has been terminated and resume the formal complaint process.

Record Keeping

Records related to the District's entire response and process related to an allegation of sexual harassment must be maintained in accordance with the District's records control schedules or a minimum of seven years, whichever is longer.

Accordingly, we are required to maintain records pertaining to any allegations of Title IX sexual harassment or any Title IX Complaints that were filed.

Additional Recordkeeping Reminders

- ▶ The District's Department of General Administration has created a process for the retention of Title IX Records which includes guidance regarding the gathering information, labeling of documents, preparing information for submission, and making arrangements for pickup.
- ▶ The above has been previously communicated to campuses in previous emails from Scott Tucker, the Director of the General Administration and the District's Custodian of Records. This guidance can also be found on the Legal Services webpage on the CFISD Staff Intranet
- ▶ **When any of the District Title IX Documents require you to copy a party, please make sure you do so.**

Title IX Resources

All of the Title IX resources will be available on Legal Services webpage on the CFISD Staff Intranet:

- Training materials
- Title IX documents

<https://inside.cfisd.net/departments/legal-services-department>

Student Services