



# **The Coordinator's Compass: Guiding Compliance Under Title IX**

Presented by:  
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**The Compass Framework:  
Four Points of Effective Coordination**




**North: Oversight and Compliance**  
**East: Intake and Response Management**  
**South: Training, Education, and Prevention**  
**West: Leadership Beyond Compliance**

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**North: Oversight and Compliance**

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**Legal Requirements for Title IX Coordinators**

**Designation:** Each recipient must **designate** and authorize at least one employee to coordinate its efforts to comply with Title IX--referred to as the "Title IX Coordinator;"

34 C.F.R. §106.8(a)

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**Legal Requirements for Title IX Coordinators**

**Notice:** Recipients must notify applicants for admission and employment, students, parents/guardians and employees of the Title IX Coordinator's:

- Name or title
- Office address
- E-mail address
- Telephone number

34 C.F.R. §106.8(a)

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**Legal Requirements for Title IX Coordinators**


Each recipient must **prominently** display the contact info of the Title IX Coordinator on its website and in each handbook or catalog.

34 C.F.R. §106.8(b)(2)

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## Website Requirements


- There is no requirement that the district's nondiscrimination policy and Title IX Coordinator's contact info be on the homepage or linked to the homepage—only a requirement that it be prominently displayed.
- There is no requirement to have a section of the website dedicated to Title IX requirements.
- There is no requirement that Title IX info be located on multiple pages of a district's website.



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**Make sure your district's policies and documents reflect the current name and contact info for your Title IX Coordinator.**

**FB, FFH, DIA, Student Handbook, Employee Handbook**



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## Developing Policies and Procedures


- DAA Equal Employment Opportunity
- DGBA Employee Complaints
- DIA Employees: [Freedom from Discrimination, Harassment & Retaliation](#)
- EHAA Required Instruction
- FB Equal Educational Opportunity
- FFG Child Abuse and Neglect
- FFH Students: [Freedom from Discrimination, Harassment & Retaliation](#)
- FM Student Activities
- FNE Pregnant Students
- FNG Student & Parent Complaints
- GF Public Complaints
- GRA Relations with Governmental Entities – State and Local Authorities



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## Scope of Compliance Areas

- Sex discrimination
- Education programs and activities
- Sexual harassment
- Athletics
- Pregnancy



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EQUAL EDUCATIONAL OPPORTUNITY FB (LEGAL)

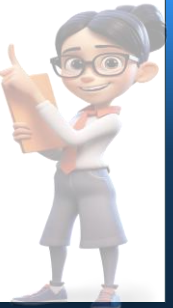
**Nondiscrimination** A district shall provide [equal opportunities](#) for all individuals within its jurisdiction or geographic boundaries. [Education Code 170009](#)  
No officer or employee of a district shall, when acting or purporting to act in an official capacity, refuse to permit any student to participate in any school program because of the student's race, religion, color, [sex](#) or national origin. [Civ. Code & Const. Code 106.001](#)

A district may not deny services to any individual eligible to participate in its special education program, but it shall provide individuals with disabilities special educational services as authorized by law. [Education Code 170009](#)

**Federal Funding Recipients** No person shall be excluded from participation in, denied the benefits of, or subjected to discrimination by any district that receives federal financial assistance, on the basis of any of the following prohibited characteristics:

1. [Sex](#)
2. Race, color, or national origin.
3. Disability, or relationship or association with an individual with a disability. [See EHB, FFH, FFH, and GA]
4. Age.

[20 U.S.C. 1088 \(Title IX\)](#); 42 U.S.C. 20009 (Title VI); 20 U.S.C. 11912 and 11913 (with Disabilities Education Act); 20 U.S.C. 714 (Section 504); 42 U.S.C. 12132 (Americans with Disabilities Act (ADA)); 42 U.S.C. 19151 et. seq. (Age Discrimination Act of 1975)



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## Sexual harassment - FB

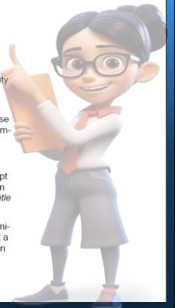
**Sexual Harassment** Sexual harassment of students in an education program or activity is discrimination on the basis of sex under Title IX. [Franklin v. Gwinnett City Pub. Sch.](#), 503 U.S. 60 (1992)

A district's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX. [34 C.F.R. 106.45\(a\)](#)

[See also DIA and FFH]

**Grievance Procedures** A district must adopt and publish grievance procedures for prompt and equitable resolution of student complaints alleging any action that would be prohibited by these provisions. [34 C.F.R. 106.8 \(Title IX\)](#), [104.7\(b\)](#) (Section 504) [See FFH]

**Retaliation** A district shall not coerce, intimidate, threaten, retaliate or discriminate against, or interfere with any person who attempts to assert a right protected by the above laws or cooperates with investigation and enforcement proceedings under these laws. [34 C.F.R.](#)



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## Education programs and activities - FB

### Discrimination on the Basis of Sex Title IX

No person in the United States shall, on the basis of sex, be excluded from participation in, denied the benefits of, or be subjected to discrimination by any district receiving federal financial assistance. *20 U.S.C. 1681(a)* [See FFH for information regarding Title IX coordinator designation, policy notification, and complaint procedures.]

A district shall not provide any course or otherwise carry out any of its educational programs or activities separately on the basis of sex, or require or refuse participation therein on the basis of sex, including health, physical education, industrial, business, vocational, technical, home economics, music, and adult education courses. *34 C.F.R. 106.34* [See FFH for information on sexual harassment that may constitute discrimination on the basis of sex under Title IX.]

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## Education programs and activities - FB

### Separate Facilities

A district may provide separate toilet, locker room, and shower facilities on the basis of sex, but the facilities provided for one sex shall be comparable to the facilities provided for the other sex. *34 C.F.R. 106.33*

### Human Sexuality Classes

Portions of classes in elementary and secondary school that deal primarily with human sexuality may be conducted in separate sessions for boys and girls.

### Vocal Music Activities

A district may make requirements based on vocal range or quality that may result in a chorus or choruses of one or predominantly one sex.

*34 C.F.R. 106.34*

### Single-Sex Programs

A district shall not, on the basis of sex, exclude any student from admission to an institution of vocational education or any other school or educational unit operated by the district. *34 C.F.R. 106.35*

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## Physical Education - FB

### Physical Education Classes

A district may group students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to sex.

### Skills Assessment

Where use of a single standard of measuring skill or progress in physical education classes has an adverse effect on members of one sex, a district shall use appropriate standards that do not have such effect.

### Contact Sports

A district may separate students by sex within physical education classes or activities during participation in wrestling, boxing, rugby, ice hockey, football, basketball, and other sports the purpose or major activity of which involves bodily contact.

*34 C.F.R. 106.34, 43*

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## Athletics - FB

### Athletic Programs

A district shall not discriminate, on the basis of sex, in interscholastic or intramural athletics or provide any such athletics separately on such basis.

### Single-Sex Teams

A district may operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport. However, where a recipient operates or sponsors a team in a particular sport for members of one sex but not for members of the other sex, and athletic opportunities for members of that sex have previously been limited, members of the excluded sex must be allowed to try-out for the team offered unless the sport involved is a contact sport.

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## Athletics - FB

### Equal Athletic Opportunities

A district that operates or sponsors interscholastic or intramural athletics shall provide equal athletic opportunity for members of both sexes. The following factors shall be considered in determining whether a district provides equal athletic opportunities:

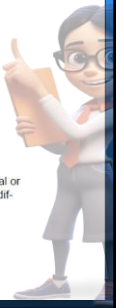
1. Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes;
2. Provision of equipment and supplies;
3. Scheduling of games and practice time;
4. Travel and per diem allowance;
5. Opportunity to receive coaching and academic tutoring;
6. Assignment and compensation of coaches and tutors;
7. Provision of locker rooms and practice and competitive facilities;
8. Provision of medical and training facilities and services;
9. Provision of housing and dining facilities and services; and
10. Publicity.

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## Pregnancy and Marital Status

### Pregnancy and Marital Status

A recipient shall not apply any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex. *34 C.F.R. 106.40* [See FND]



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## Pregnancy and Marital Status - FNE

The District shall not discriminate against any student or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of the student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom, unless the student requests voluntarily to participate in a separate portion of the District's program or activity. (See F8)

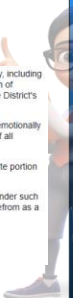
**Medical Certification:** The District may require such a student to obtain the certification of a physician that the student is physically and emotionally able to continue participation in the normal education program or activity so long as such certification is required of all students for other physical or emotional conditions requiring the attention of a physician.

**Separate Program:** A district that operates a separate, voluntary program or activity for pregnant students shall ensure that the separate portion is comparable to that offered to nonpregnant students.


**Leave of Absence:** If the District does not maintain a leave policy for its students, or if a student does not otherwise qualify for leave under such a policy, the District shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom as a justification for a leave of absence for as long as the student's physician deems medically necessary.

At the end of the leave, the District shall reinstate the student to the status she held when the leave began.

20 U.S.C. 1681; 34 CFR 106.40(b)



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## East: Intake and Response Management


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## Specific Coordinator Duties from 2020 Regulations – Sexual Harassment Grievances

The Title IX Coordinator is responsible for ensuring that the district develops a **grievance procedure** that comports with 34 CFR Part 106 for responding to **all reports of sexual harassment** and a process for investigating formal complaints.

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## Legal Requirements for Title IX Coordinators

Any person may **report** sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), **in person, by mail, by telephone, or by electronic mail**, using the contact information listed for the Title IX Coordinator, **or by any other means** that results in the Title IX Coordinator receiving the person's **verbal or written report**. Such a report may be made **at any time** (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

34 C.F.R. §106.8(a)


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**Make sure you train your campus administrators to report any suspected sex-based discrimination to the Title IX Coordinator.**

**Recognizing potential Title IX issues is key.**

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## Coordination and Collaboration

- Work with HR, Student Services, Athletics, Campus Safety, and community resources.
- Serve as the central point of contact for Title IX issues institution-wide

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### Responsibilities of Title IX Coordinator in Sexual Harassment Grievance Process (2020)

- Determine the need for **emergency removal** or **administrative leave**
- Promptly contact the complainant to **discuss supportive measures** and consider complainant's wishes
- Inform the complainant of the **right to file a formal complaint** and the right to supportive measures with or without a formal complaint
- Decide whether to file a **formal complaint** if the complainant does not (e.g., improper relationship with staff member)

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### Responsibilities of Title IX Coordinator in Sexual Harassment Grievance Process (2020)

- Decide whether to **dismiss a complaint** (does not constitute sexual harassment, did not occur in a district program/activity, did not occur in the US)
- Provide **notice to parties** of the grievance process if a formal complaint is filed.
- **Assign investigators** and **decision-makers** who are impartial and not biased
- Ensure implementation of **remedies**

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### Recordkeeping and Documentation

Maintain records of reports, supportive measures, investigations, and outcomes for 7 years.

Develop reporting and recordkeeping systems to ensure accountability and transparency.



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### Recordkeeping and Documentation

- Both OCR and reviewing courts will assess the sufficiency of a district's response to determine whether school officials were deliberately indifferent to the harassment.
- Documentation of the district's efforts will be critical to defending against sexual harassment claims, which may be asserted years after the fact.



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### Recordkeeping and Documentation

**Best practice:** Have a record keeping system for all Title IX complaints—not just sexual harassment reports/complaints.

Follow your district's process in FFH(LOCAL) for other types of sex discrimination complaints (e.g., athletics, pregnant student accommodations/discrimination, CTE – STEM).

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## South: Training, Education, and Prevention

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## TRAINING

- Design an annual Title IX training plan
- Ensure training for all employees, investigators, decision-makers, and appeal officers
- Lead awareness and prevention efforts within the school district
- Maintain and post training materials publicly as required




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## TRAINING REQUIREMENTS

- All staff must be trained on the definitions of sex discrimination and sexual harassment and how to make a report.
- Board policies
- Reporting protocol
- Trainings cannot be based on stereotypes



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**Make sure you train all staff to report any suspected sex-based discrimination to the Title IX Coordinator.**

**“Knowledge” of sexual harassment is imputed to the district if any employee learns of facts that could be sexual harassment.**

**It is important that all staff are trained on their duty to report suspected sexual harassment and the adverse employment implications for failing to do so.**

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## West: Leadership Beyond Compliance

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PROACTIVE STRATEGIES
<b>AUGUST</b>
<ul style="list-style-type: none"> <li>(1) Conduct professional development training for campus administrators and all staff</li> <li>(2) Campus administrators: district policies and procedures, investigations, grievance procedures, forms, contact information for Title IX Coordinator, notification of Title IX Coordinator of all complaints, confidentiality, prohibition against retaliation, sexual harassment, LGBT program students, equity in athletics</li> <li>(3) All staff: district policies and procedures, grievance procedures, contact information for Title IX Coordinator, prohibition against retaliation</li> </ul>
<b>SEPTEMBER</b>
<ul style="list-style-type: none"> <li>(1) Review data on sex of students enrolled in CTE, science, technology, and math</li> <li>(2) Develop plan of action if disparity identified</li> </ul>
<b>OCTOBER</b>
<ul style="list-style-type: none"> <li>(1) Present to Board of Trustees on Title IX policies, procedures, on-going efforts</li> <li>(2) Annual Title IX Coordinator training</li> </ul>
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<ul style="list-style-type: none"> <li>(1) Conduct Campus climate survey – whether discriminatory attitudes pervade the culture</li> </ul>
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- Conduct campus climate survey – whether discriminatory attitudes pervade the culture

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**DECEMBER**

- Coordinate recordkeeping and monitor incidents to help identify students or employees who have multiple complaints
- Monitor outcomes of part Title IX complaints

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**JANUARY**

- Increase visibility: email staff reminder of Title IX Coordinator contact information, location of policies, copy of nondiscrimination notice

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**FEBRUARY**

- Review athletic budgets, booster club expenditures on athletes

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**MARCH**

- Review athletic participation numbers for disparity of under-represented sex
- Conduct Athletics interest survey

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**STUDENT ATHLETIC INTEREST SURVEY**

**Purpose:** This survey is being conducted for evaluation, research, and planning purposes and may be used along with other information to determine whether the Independent School District ( ) is effectively accommodating the athletic interests and abilities of its students, including whether to add additional teams.

**Confidentiality:** All responses to this survey as well as any personally identifiable information you provide will be kept confidential. Aggregate survey information will be shared with athletic directors, coaches, and other staff, as appropriate.

**Questions:** If you have any questions regarding this survey, please contact the Title IX Coordinator, , at / or , TX.

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**SELF-EVALUATION AND DESK REFERENCE**

- Analyses for Compliance
- Title IX and Money
- Interests and Abilities Survey
- Questionnaires for Coaches
- Facilities Checklists

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**APRIL**

- Review student discipline data for sex-based disparities
- Check OCR website for updated guidance

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**MAY**

- Review data on sex of students enrolled in CTE, science, technology, and math
- Develop plan of action if disparity identified
- Coordinate recordkeeping and monitor incidents to help identify students or employees who have multiple complaints
- Monitor outcomes of part Title IX complaints

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**JUNE**

- Review draft Student Code of Conduct and Student Handbook for upcoming school year to ensure nondiscrimination notice and prohibition against retaliation
- Review draft Employee Handbook for upcoming school year to ensure nondiscrimination notice and prohibition against retaliation
- Review local board policies and district procedures to ensure consistent with practices and correct contact information for Title IX Coordinator

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**JULY**

- Coordinate with local law enforcement in preparation for upcoming school year
- Review safety measures, such as monitoring, supervision, or security at locations or activities where harassment has occurred or is likely to occur
- Ensure Title IX Coordinator's contact information is easily found on district website

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*The information in this handout was prepared by Eichelbaum Wardell Hansen Powell & Muñoz, P.C. It is intended to be used for general information only and is not to be considered specific legal advice. If special legal advice is sought, consult an attorney.*



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