

Title IX Coordinator Training (part 2) 2025-2026 school year

Galena Park ISD
November 2025



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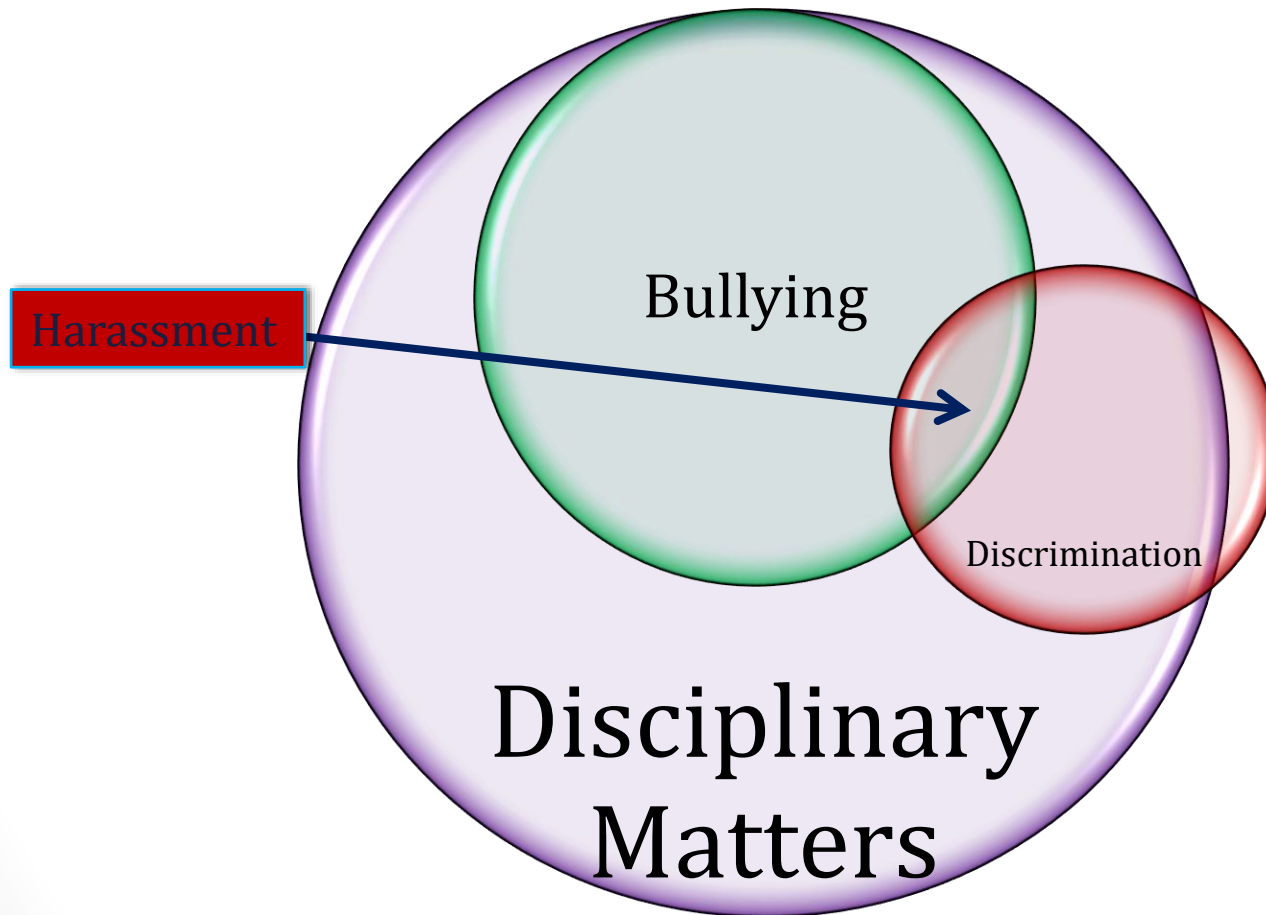
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Title IX

“No person in the United States shall, **on the basis of sex**, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any education program or activity receiving federal financial assistance.”



Harassment v. Discrimination v. Bullying v. Discipline



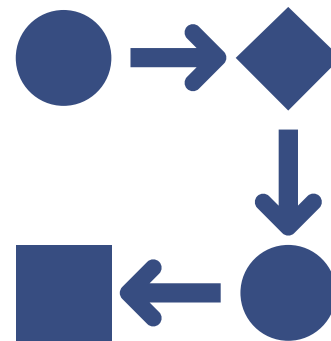
Overview of 2020 Regulations

- Effective August 14, 2020
- Defines sexual harassment and scope of Title IX protections
- Adopts deliberate indifference to actual knowledge of sexual harassment standard
- Adds that knowledge of any school district employee can trigger a duty to respond
- Discusses formal/informal complaints



Overview of 2020 Regulations

- Discusses the procedures schools must have to respond to reports
 - ❖ Supportive measures
 - ❖ Process for emergency removal, if applicable
- Discusses procedures schools must have for due process
 - ❖ Investigation
 - ❖ Grievance process
 - ❖ Appeals process



Overview of 2020 Regulations

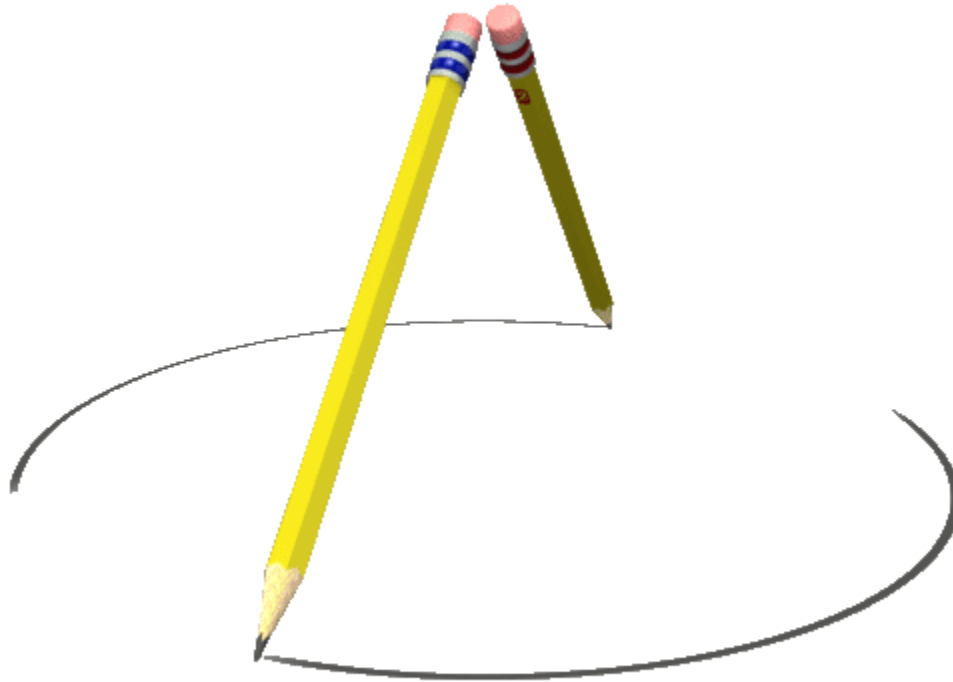
- Further defines role of Title IX Coordinator
- Provides role for investigator, decisionmaker, facilitator, and person reviewing any appeal
- Identifies policies school districts must implement
- Discusses written notices schools must provide
- Provides training schools must provide to personnel involved in the Title IX complaint process
- Includes specific anti-retaliation provisions with a complaint process for any retaliation

The Rationale for the Grievance Process

- The 2020 Title IX regulations require schools to investigate and adjudicate formal complaints of sexual harassment using a grievance process that incorporates **due process principles**, treats all parties fairly, and reaches reliable responsibility determinations.
- Schools must follow a grievance process that complies with Title IX regulations **before** the imposition of any disciplinary sanctions or other actions that are not supportive measures, against a respondent.

The Initiation Stage

(primary actor: the Title IX Coordinator)



The Title IX Coordinator

- The school district must designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under Title IX, and **this employee must be referred to as the “Title IX Coordinator.”**
- Contact information from the Title IX Coordinator must be listed on the website and in any handbooks or catalogs
- Must not have a **conflict of interest or bias** for or against complainants or respondents generally or an individual complainant or respondent specifically

The Title IX Coordinator

- The school district must provide the name or title, office address, electronic-mail address, and telephone number of the Title IX Coordinator to the following:
 - applicants for admission and employment
 - students, parents or legal guardians of elementary and secondary school students
 - employees, and
 - all unions or professional organizations holding collective bargaining or professional agreements with the recipient
(hereinafter “persons entitled to notification”).

The Title IX Coordinator

- 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.

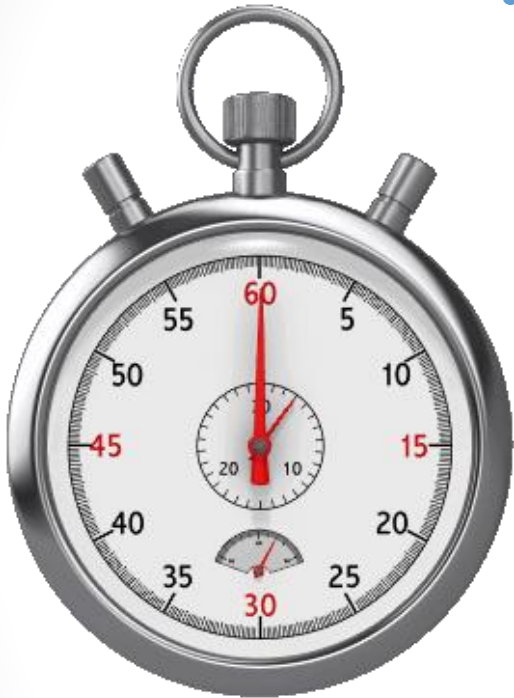
What Triggers A Need to Respond?

A school must respond **promptly** when it has:



- ✓ actual knowledge
- ✓ of sexual harassment
- ✓ that occurred within the school's educational program or activity
- ✓ against a person in the United States

School District's Response



- Must respond in a manner that is **not “deliberately indifferent”**
 - ❖ The school cannot act in a manner that is clearly unreasonable in light of the known circumstances
 - ❖ The response must be **prompt**, even if the student delayed in bringing forth his or her complaint

School District's Response

- Once the school knows about the sexual harassment, the Title IX Coordinator must contact the complainant (victim) to provide information regarding:
 - ❖ Supportive measures
 - ❖ Right to file a complaint
 - ❖ How to file a formal complaint
- A Title IX Coordinator must engage in such outreach even if no formal complaint has been filed by anyone

Supportive Measures

- During the grievance process, the school must ensure supportive measures are offered to both the Complainant **and** the Respondent
 - ❑ Free, individualized services designed to restore or preserve an individual's equal access to education, to protect the individual's safety, or deter further sexual harassment
 - ❑ **Cannot be punitive or disciplinary**
- The measures should not unreasonably burden another person
- The measures should be kept confidential
- Title IX Coordinator is responsible for implementing the supportive measures

Emergency Removal / Administrative Leave

- Emergency removal of student
 - ❖ Must conduct an individualized safety and risk assessment
 - ❖ Student is an imminent threat to the physical health or safety of another student or individual arising from the allegations of sexual harassment
 - ❖ Provide notice and immediate opportunity to challenge the decision
- Administrative leave for employees during investigation is permitted
 - ❖ Follow state law, Board policy, and normal district procedures

Formal Complaints

- May be made by a complainant (or parent, or legal guardian) or signed by the Title IX Coordinator
 - ❖ Complainant's wishes as to whether to file a formal complaint should be respected unless the Title IX Coordinator determines that initiating an investigation against the complainant's wishes is not clearly unreasonable
- Complainant must be participating in or attempting to participate in the school's education program or activity
- School must have policy regarding how to file a formal complaint and must publish how to file the formal complaint on the district's website

Response to Formal Complaints

- Upon receipt of a formal complaint and prior to any interviews, school must provide the parties written notice of:
 - ❖ The school's grievance process;
 - ❖ The allegations of sexual harassment;
 - ❖ The presumption of innocence;
 - ❖ The right to inspect and review evidence;
 - ❖ The right to have an advisor during the process; and
 - ❖ Any provision in the school's code of conduct that prohibits knowingly making false statements or submitting false information during the grievance process.



Dismissal of Formal Complaints

- The regulations set out **mandatory** and **discretionary** reasons for dismissal of formal complaints.
- Goal: complainants must be empowered with the authority to start an investigation, but OCR cannot require schools to adjudicate misconduct not covered by Title IX or control how such non-Title IX misconduct is handled.



34 C.F.R. § 106.45(b)(3)

Formal Complaints: Dismissal

- **Mandatory Dismissal**
 - ❖ Complaint does not describe conduct that would constitute sexual harassment, as defined, even if proven
 - ❖ The sexual harassment did not occur in the school's education program or activity
 - ❖ The sexual harassment did not occur against a person in the United States

Formal Complaints: Dismissal

- **Permissive/Discretionary Dismissal**
 - ❖ Complainant notifies Title IX Coordinator in writing that he/she wishes to withdraw the formal complaint or some allegations in the complaint
 - ❖ The respondent is no longer enrolled or employed
 - ❖ Circumstances exist that prevent the school from gathering sufficient evidence to reach a determination about the allegations

Formal Complaints: Dismissal

- If the school dismisses the complaint or allegations in the complaint, it must promptly send written notice of the dismissal **and** the reason for the dismissal to all parties
- Any party can appeal the dismissal decision

Formal Complaints: Dismissal

- Even if you dismiss a complaint because it doesn't meet the requirements for **Title IX**, you should consider whether it violates something else, like **the Student Code of Conduct**.



Consolidation of Formal Complaints

- The school district may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.
- Where a grievance process involves more than one complainant or more than one respondent, references in this section to the singular “party,” “complainant,” or “respondent” include the plural, as applicable.

The Investigation

(discussed in Investigator Training part1)



Investigation Time Frame Example

Week	Su	M	Tu	W	Th	F	Sa
1		Formal Complaint Submitted		Notice to Parties	Determine Scope of Investigation		
2		Gathering Evidence and Interviews					
3		Gathering Evidence and Interviews					
4		Provide Evidence to Parties					
5						Written Response Deadline	
6		Receive and consider written responses to the evidence.		Issue Investigative Report			

The Determination Stage

(primary actor: the Decisionmaker)



Key Questions

- The Decisionmaker
 - ❖ Who can serve as the decisionmaker?
 - ❖ What training must the decisionmaker receive?
- The Written Decision
 - ❖ What standard applies?
 - ❖ Required components of the decision
- Informal Resolution

Key Questions

- The Appeal Process
 - ❖ Who can appeal
 - ❖ What are grounds for appeal
 - ❖ What must the process entail
- Implementing the Decision

Determination Process

- Decisionmaker may not be the Title IX Coordinator or the investigator
- Decisionmaker (and anyone designated to facilitate an informal resolution process) must be free from conflicts of interest or bias:
 - ❖ against complainants and respondents generally; or,
 - ❖ against the particular complainant or respondent

Hearings v. Written Questions

- Live hearings, with cross-examination, *are not required* at the K-12 level.
- Instead, schools must establish a written question/answer process.



Optional Live Hearing Process

If the optional live hearing process is used:

- If necessary, school must provide (and pay for) an advisor to parties free of charge.
- Each party's advisor must be able to cross-examine the other party and any witnesses, to challenge credibility, and ask follow-ups.
- Only relevant cross-examination is permitted. The decisionmaker makes relevance decisions before questions are answered.
- The decisionmaker must disregard statements of parties and witnesses who do not submit to cross-examination.

Hearing on Written Questions

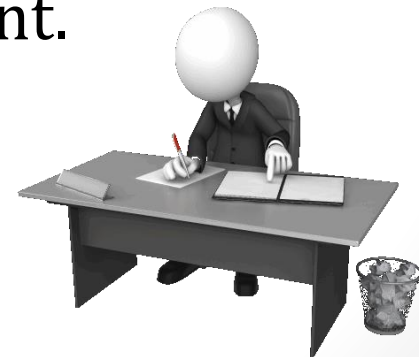
- After completion of the investigation report, and after the report is provided to both parties.
- Each party must have the opportunity to submit written, **relevant** questions for any other party or witness.
- Process must provide opportunity for additional, **limited** follow-up questions from each party.

Revisiting Rape Shield Protection for Complainants

- Limitation on questioning and evidence regarding the complainant's sexual predisposition or prior sexual behavior.
- Questions or evidence about complainant's prior sexual behavior are irrelevant, unless:
 - ❖ offered to prove someone else committed the alleged misconduct; or,
 - ❖ concern specific incidents in complainant's prior sexual history with the respondent and are offered to prove consent.

Determination Process

- Decision must be objective and unbiased
- Objective evaluation of relevant evidence and conclusion about whether the respondent is responsible for alleged sexual harassment
- Must exercise independent judgment
- Must be free of conflict of interest or bias for or against the complainant or respondent.



Determination of Responsibility

- The determination of responsibility must be made by the trained decisionmaker, who cannot be the investigator or the Title IX Coordinator.
- Must apply the school's established standard of evidence (preponderance of the evidence or clear and convincing evidence).
- Decisionmaker must issue a written determination of responsibility.

Reminder Regarding Dismissal

- Depending on the outcome of the investigation and the grievance process, it may be necessary to revisit dismissal of a Title IX formal complaint.
- Decisionmaker should consider whether grounds for dismissal were revealed.
 - ❖ Example: Conduct was not sexual harassment
 - ❖ Conduct not during school program/activity
 - ❖ Request to withdraw
- Decisionmaker should consider whether grounds for dismissal were revealed.

Written Decision Requirements

- Identify the allegations at issue that potentially constitute sexual harassment.
- Include specific policy provision that the conduct allegedly violates
- Describe the school's procedural steps to date, from receipt of the complaint to the determination.
- Include findings of fact supporting the determination.
- Include conclusions regarding application of the school's code of conduct to the facts.

Written Decision Requirements

- Decision must include a statement of, and rationale for, the result as to each allegation.
 - ❖ Determination regarding responsibility.
 - ❖ Any disciplinary sanctions imposed on the respondent.
 - ❖ Whether remedies designed to restore or preserve equal access to educational program will be provided by the school to the complainant.
- Must explain appeal process and permissible grounds for each party to appeal.
- Must provide the written determination to the parties simultaneously.

Remedies

- The Title IX Coordinator is responsible for effective implementation of any remedies.
- Remedies must be designed to restore or preserve equal access to the school's educational program or activity.
- Need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.
- If a student respondent is found responsible for sexual assault, discipline could include suspension, DAEP placement, or expulsion.

Appeals

- Schools must create a process for appeals of (1) a determination regarding responsibility and/or (2) the school's dismissal of a formal complaint.
- Each party must be provided notice of the appellate process and the opportunity to appeal.
- Grounds for appeal:
 - ❖ Mandatory
 - Procedural irregularities that affected the outcome
 - New evidence
 - Conflict of interest
 - ❖ School may choose to offer appeals on additional bases.
 - ❖ Both parties must have equal appeal rights.

Appeals

- Decision-maker on appeal cannot be the same decision-maker from the initial determination, the investigator, or the Title IX Coordinator
- Process:
 - ❖ Both parties provided notice of the appeal and given opportunity to submit written statements
 - ❖ Decision-maker issues a written decision including the result and rationale

Timeline of Investigation and Determination

Monday	Tuesday	Wednesday	Thursday	Friday
March 1 Formal Complaint Filed	2	3 District provides notice of the allegations of sexual harassment <i>... with sufficient time to prepare a response before any initial interview</i> <i>advisor of their choice – presumably we have to give them time to find an advisor of their choice?</i>	4	5
8	9	10 Interviews	11 Interviews	12
15 Provide evidence subject to inspection and review -- give parties <i>have at least 10 days to submit a written response</i>	16	17	18	19

Legend:

Green days are statutory mandatory days

Yellow days are “permissive” days, and might be reduced (but not likely)

Timeline of Investigation and Determination

March 22	23	24	25	26
29	30	31	April 1	2
Receive and consider written comments from parties as to evidence		Issue Investigative Report to both parties – give 10 days for their review and written response		
5	6	7	8	9
<i>decision-maker(s) must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party</i>				
12	13	14	15	16
		Receive and consider written response from parties as to investigation report		Issue Determination

Legend:

Green days are statutory mandatory days

Yellow days are “permissive” days, and might be reduced (but not likely)

What did this investigation presume?

- TIXC could analyze complaint, assemble team, and issue initial notice of interview in two (2) days
- Parties are given five (5) days to find an advisor (attorney?) and prepare for interviews
- Investigator is able to conduct interviews over two (2) days, synthesize information and evidence, and provide parties access to evidence in 1-2 days
- Investigator is able to receive comments about evidence, synthesize them into report, and issue investigation report in two (2) days
- Right of parties to submit written, relevant questions that a party wants decisionmaker to ask any other party or witness, review answers, and ask additional, limited follow-up questions does not extend the mandatory 10-day period between investigation report and determination (hint: it probably will)
- Decisionmaker is able receive comments about investigation report, as well as first and (limited)second round of written cross examination answers, synthesize that information, and issue written determination report in two (2) days

Training Materials

- Schools must ensure that all training materials are accessible on their websites



Retaliation

- New regulations contain an anti-retaliation provision
- Charges of code of conduct violations that arise out of the same facts or circumstances as a report of sex discrimination or sexual harassment for the purpose of interfering with any right under Title IX constitutes retaliation
- Charges for making a materially false statement is not retaliation if charge is not based solely on outcome of the grievance process
- Complaint process for retaliation



Recordkeeping

Must retain records for **seven** years.
Records must include:

- ❖ Final determination;
- ❖ Any audio/visual records or transcripts;
- ❖ Supportive measures taken or reason for no supportive measures;
- ❖ Sanctions imposed;
- ❖ Remedies provided;
- ❖ Appeal and result;
- ❖ Informal resolution and result;
- ❖ All training materials; and
- ❖ The basis for the school's conclusion that any response to an allegation of sexual assault was not deliberately indifferent and that it took measures to restore/preserve equal access.



Questions? Comments?



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