

# Title IX Coordinator Training

January 8, 2026



# Title IX Training Series – January 2026



Jan  
8

## **Title IX Coordinator**

Thursday, January 8th 9AM - 12PM

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## **Title IX Investigator**

Thursday, January 15th 9AM - 12PM

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## **Title IX Decision-Maker and Appeal Officer**

Thursday, January 22nd 9AM - 12PM

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## **Title IX Informal Resolution Facilitator**

Thursday, January 30th 9AM - 12PM



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# Agenda



- 2025-26 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
  - Beyond the Job Description




# Title IX Updates

Review of 2025

Looking forward to 2026

# 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
  - ❖ Does 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
- 

# Administrative Update:

## Department of Education, Office for Civil Rights

- Staffing in OCR
  - proceed with laying off **nearly half** the U.S. Department of Education's staff (Decision dated 7/14/25)
  - Some are expected to return to deal with backlog of claims
- Special Investigation Team (SIT) specialized team of investigators from across ED and DOJ offices for rapid resolution investigation process to the increasing volume of Title IX cases
- From January-December 2025:
  - Open investigations:
    - DEI efforts
    - Transgender inclusion
    - Antisemitism
- 24,000 complaints remained unresolved as of December 2025, an increase from 16,500 from prior year
- OCR settlements set the tone for civil rights policies, procedures, and enforcement nationally

# California Update: OCR Activity

- Transgender athlete's participation in California Interscholastic Federation (CIF) championships
- 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
- 06/25/25 - DOJ's Civil Rights Division (CRD) concluded its investigation and found CIF and state of CA in violation of Title IX
  - Consequences of this decision
- Appeals court halts enforcement of lower court's decision on revealing students' records to parents after injunction halted enforcement of student rights
  - Ruling does not order school employees to proactively notify parents about their child's gender presentation at school; but school employees cannot mislead parents about it

# 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."*

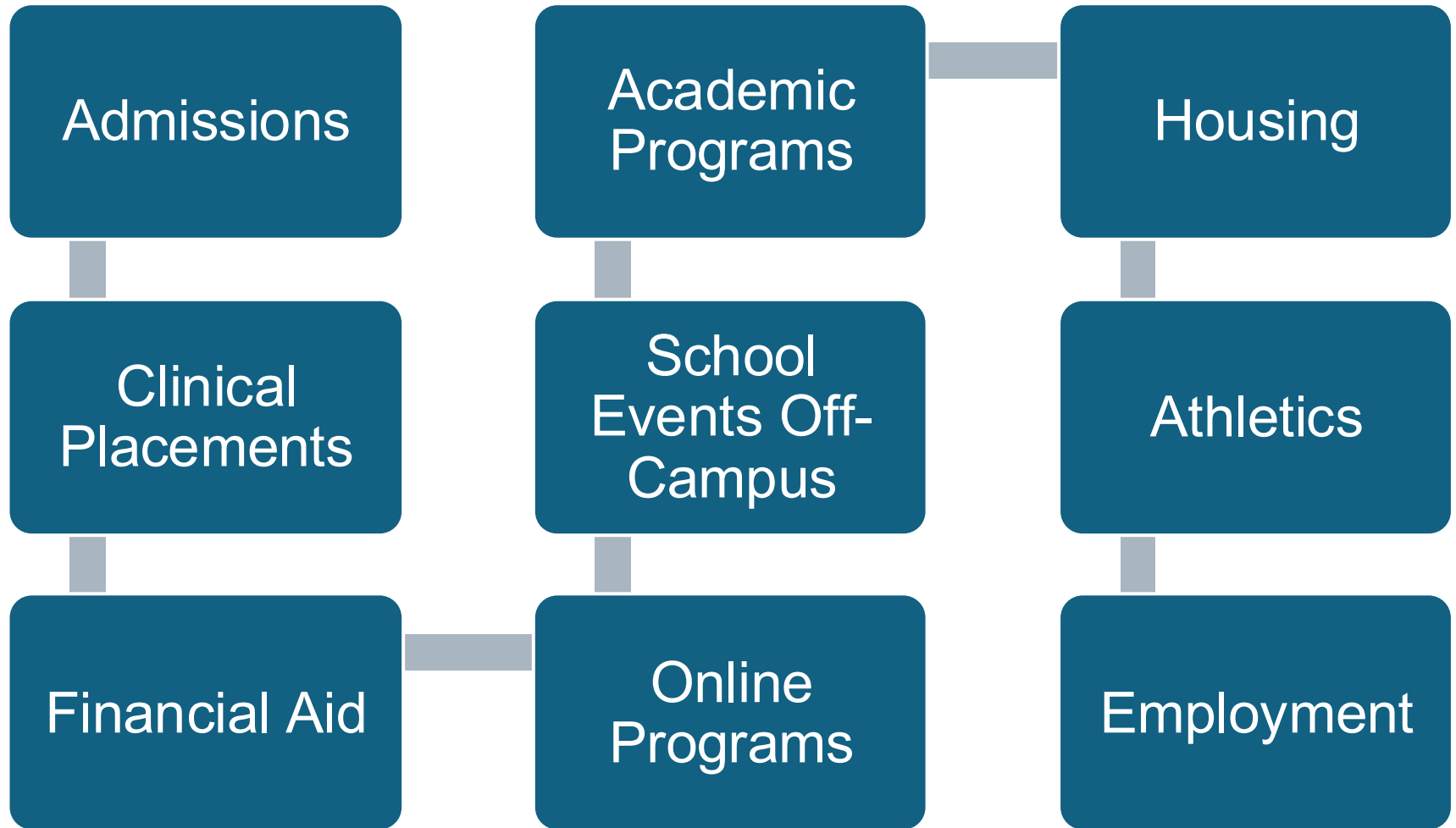
**- Title IX of the Education Amendments of 1972**

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

# Title IX and California Education Code Jurisdiction



## **Title IX – Sexual Harassment**

- Occurring in the institution's education program or activity

## **CA Education Code – Sexual Harassment**

- Any prohibited conduct that occurs off campus or outside of district-related or district-sponsored programs or activities will be regarded as sexual harassment in violation of district policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

# Impact of Jurisdictional Differences



- Dismissal from Title IX does not automatically dismiss matters from CA Education Code
- CA Education Code has a more expansive jurisdiction and even off-campus behavior can require investigation
- Practically speaking, on-campus behavior after an off-campus event could result in applicable jurisdiction under Title IX and CA Education Code

# Examples of Jurisdictional Questions



- a. Title IX only
- b. Title IX and CA Education Code
- c. CA Education Code only

## Title IX Legal Obligation



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

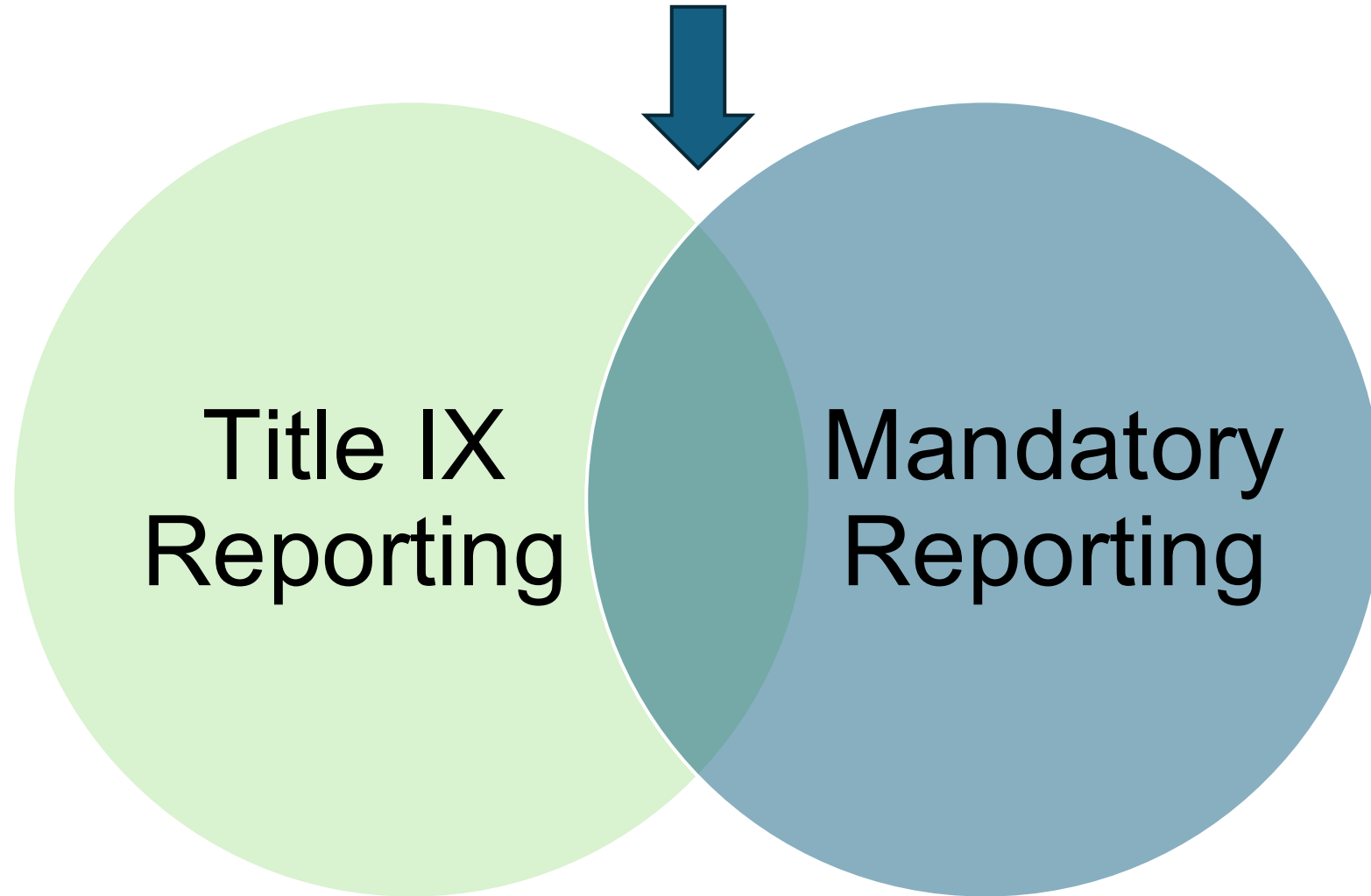
No duty to report to Title IX Coordinator



## Mandatory Reporting

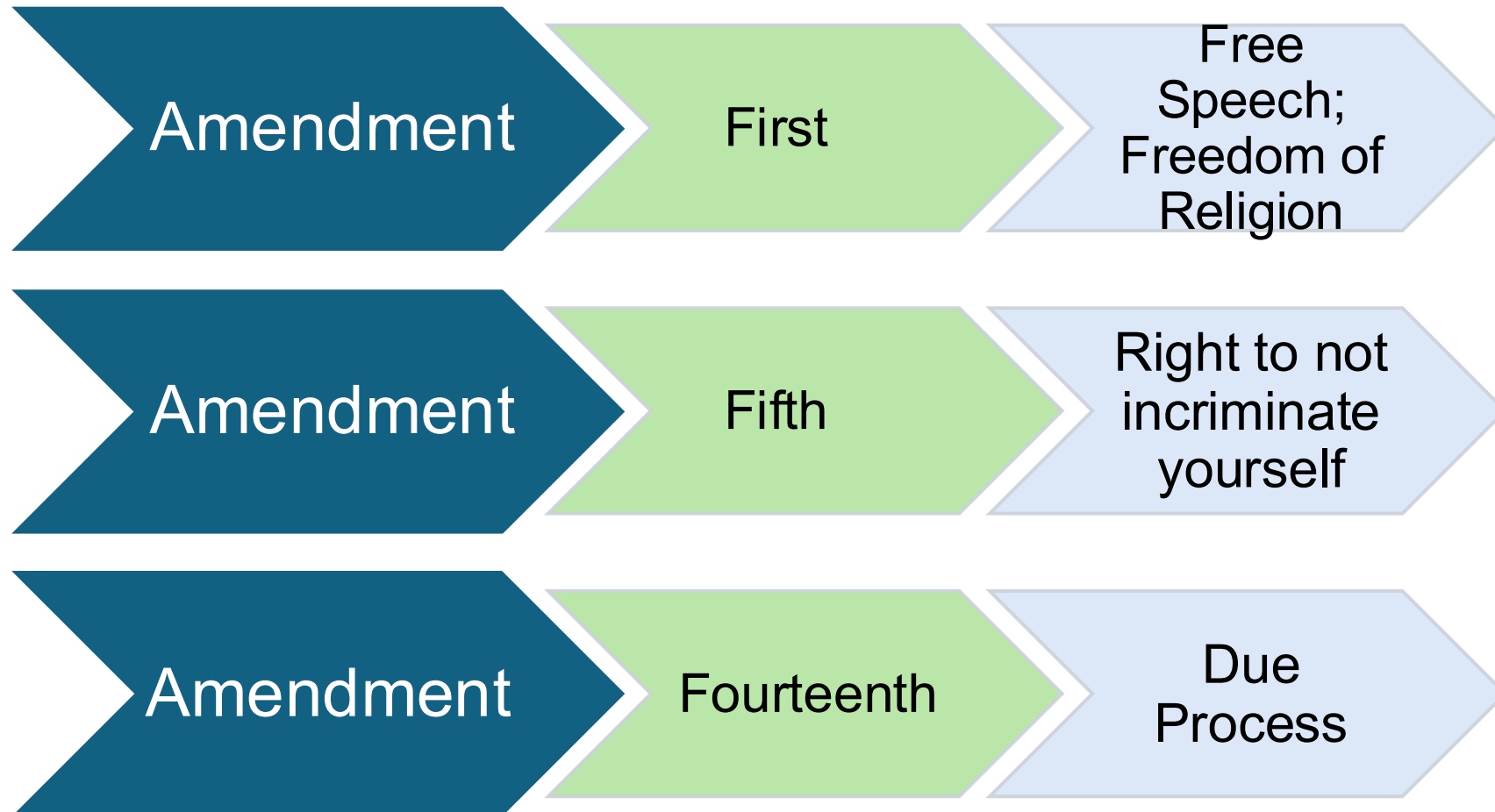
- Report to the appropriate agency when there is a reasonable suspicion that ***abuse or neglect of a child*** may have occurred.
- Child abuse is defined as physical abuse, neglect, sexual abuse and/or emotional maltreatment. This includes the sexual assault, sexual exploitation, and/or sexual abuse 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

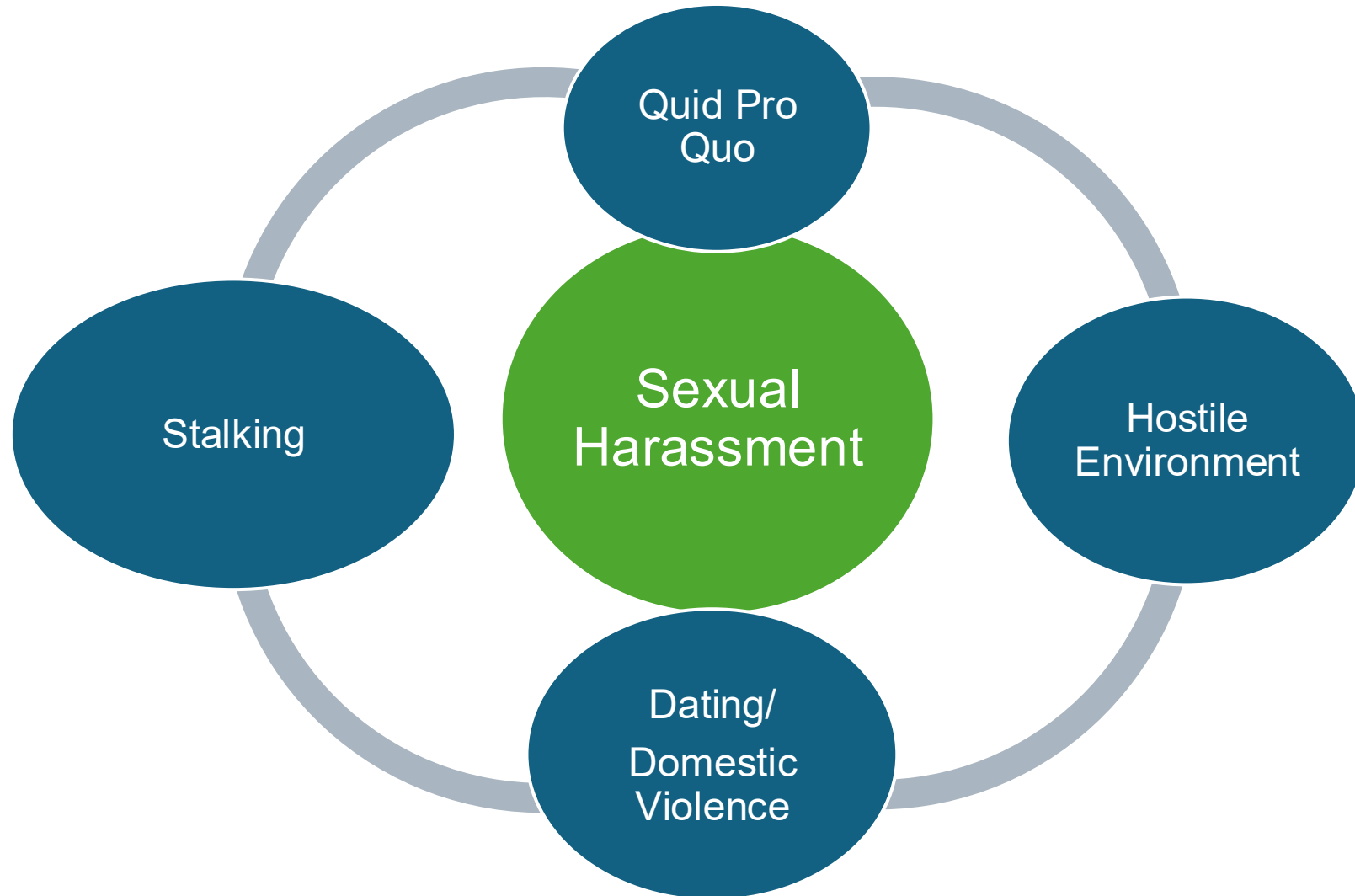


# Title IX Sexual Harassment



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.

# Key Definitional Distinction

## Title IX - 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.

## CA Ed Code – Hostile Environment

- Sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, under any of the following conditions: (Education Code 212.5; 5 CCR 4916)
  - Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress
  - The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment.

# Hostile Environment Examples?



- Title IX only
- Title IX and CA Education Code
- CA Education Code only

## Impact of this Distinction on Investigations



- Hostile environment matters rarely rise to the level of Title IX sexual harassment hostile environment and will be dismissed from Title IX.
- Many of the hostile environment claims will meet the threshold under CA Ed Code and violation will be found.
- **REMEMBER** – for any investigation, analysis must be done under both policies to determine potential violations.

# Specific Acts



- Sexual Assault
- Dating Violence
- Domestic Violence
- Stalking



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

- Any sexual act directed against Complainant, forcibly, against Complainant's will, or without consent, including

Rape

Sodomy

Sexual Assault with an object

Criminal Sexual Contact (formerly

Fondling)

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



## **2020 through Summer of 2025**

### **Fondling**

- The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.

## **Fall 2025**

### **Criminal Sexual Contact**

- The intentional touching of the clothed or unclothed body parts OR
- The forced touching by the victim of the actor's clothed or unclothed body parts
- For the purpose of sexual degradation, sexual gratification, or sexual humiliation
- Without consent of the victim
- Including instances where the victim is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication.

# Impact of New Definition



- Expanded definition means more matters will fall under Title IX
  - Students
  - Human Resources
- Fewer matters will be dismissed, and thus, will have to go through the Title IX investigation
- The dates of when incidents occurred must be examined closely to determine which definition applies
  - Statute of limitations under Title IX
- EXAMPLE

# 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

# What Topics Need to be Covered in Training



- Definitions
- Jurisdiction
- Title IX investigation procedure and process
- Avoiding stereotypes, bias, and conflict of interest
- Specific role requirements

# 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

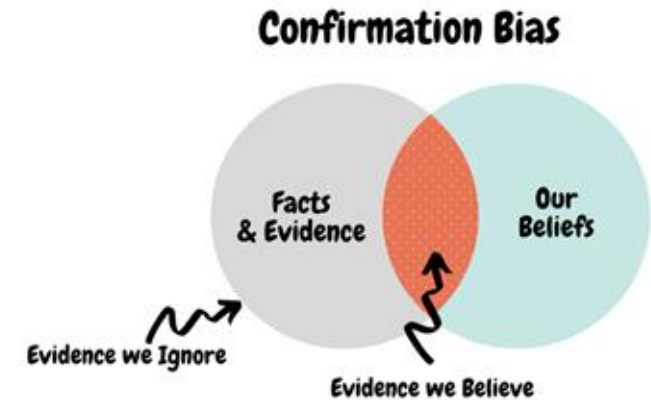
# Stereotypes



- “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

**Intake with potential complainant**

# 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.

# What might be a supportive measure?

- Change in class schedule
- Inability to attend school dance
- Waiving a student taking a test
- Permission to take frequent breaks during the school day

# TIXGP: Emergency Removal Procedure



## Step 1

Conduct a prompt and individualized safety and risk analysis

## Step 2

Immediate threat to physical health or safety of any student or other individual arising from the allegations of sexual harassment is identified

## Step 3

Evaluate the applicability of disability laws to the removal decision

## Step 4

Consider the appropriateness of supportive measures in lieu of an emergency removal

## Step 5

Provide the respondent with notice and an “immediate” opportunity to challenge the emergency removal

# 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

# TIXGP: Separate Investigator and Decision-Maker(s)



# 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

# Beyond the Job Description



- Title IX Coordinator can be a strategic partner across the district
- Evaluating annual compliance experience
  - Reports
  - Claims
    - Annual Title IX Report
  - Areas where no Title IX experience
- Proactively approaching challenges
  - Training beyond required categories
  - Targeting key areas of focus

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# Accessing TIXC Title IX Handbook



## Instructions:

1. Login to P&C Bridge: <https://www.keenan-pcbridge.com/group/pcb/home>
2. Click on RiskAdvisor Library tab at the top
3. In Search Bar – search Title IX and the picture below shows the link to the  
K12 Title IX Investigation Handbook

Once you click on that there is a green button that says, “Click here to continue reading” and it will download the handbook.

Questions?



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TIXC Newsletters and TIXC Thursdays

Additional Trainings – March 2026

[Training Survey](#) – We appreciate your feedback!