K-12



TITLE IX INTRODUCTION AND OVERVIEW

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LESSON ONE

WELCOME



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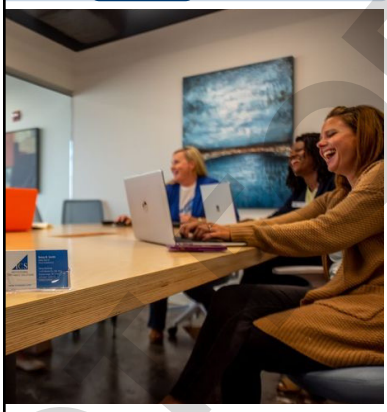


AGENDA

Lesson One	Welcome
Lesson Two	How We Got Here
Lesson Three	The 2020 Regulations
Lesson Four	Title IX Team and Training Requirements
Lesson Five	Bias/Conflict of Interest
Lesson Six	Sexual Harassment
Lesson Seven	Jursidiction
Lesson Eight	Grievance Procedures - Basics
Lesson Nine	Important Information
Lesson Ten	Closing Thoughts and Assessment

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ABOUT US

OUR MISSION

To provide the best Care and Support for our clients, Community Partners, employees, contractors, collaborators, vendors, and all others who encounter our company.

GOAL

To assist schools and districts in providing a safe and healthy learning and working environment for students, faculty, and staff.

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TRAINING APPROPRIATE FOR:

- Title IX Coordinators
- Deputies/Designees
- Decision-Makers
- Investigators
- Informal Resolution Facilitators
- Appellate Decision-Makers
- Others involved with Title IX

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THIS COURSE COVERS:

- Training for your Title IX Team under the 2020 Regulations
- Includes Coordinators, Designees, Investigators, etc.



THIS COURSE DOES NOT COVER:

- Training under your policies and procedures
- Employee or student training requirements and/or recommendations

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SEE YOU IN LESSON 2!

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LESSON TWO

HOW WE GOT HERE



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WHAT IS 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."

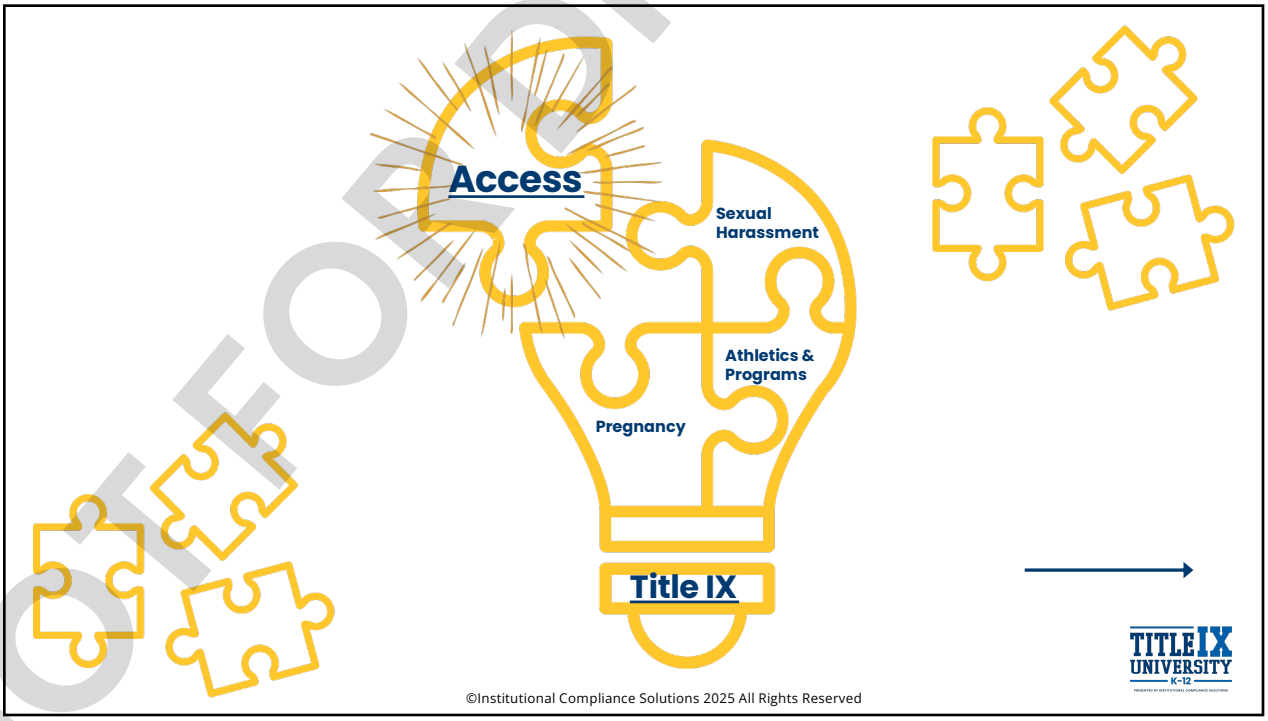
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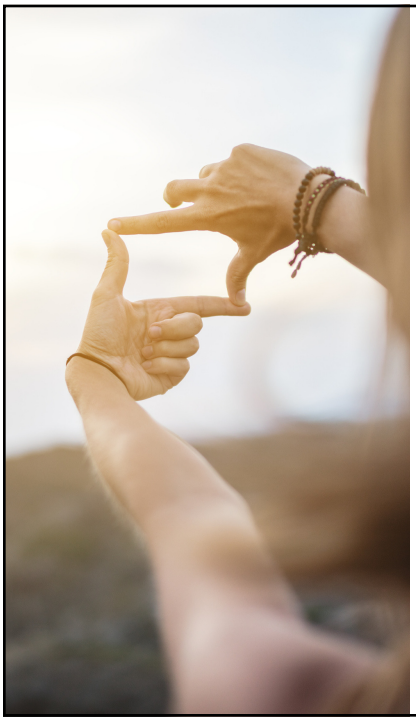


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FOCUS:

This training focuses on requirements for responding to and addressing Sexual Harassment under the Title IX regulations.

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TITLE IX REGULATIONS TIMELINE

1 **2020 Regulations**
Released May 6th with implementation of Aug. 14, 2020

2 **NPRM**
Notice of Proposed Rulemaking (NPRM) July 2022

3 **2024 Regulations**
Released April 19th with implementation of Aug. 1, 2024

4 **Litigation**
By Aug 1, country split between 2020 and 2024 regulations

5 **2020 Regs Vacatur**
January 2025 the 2024 Regulations vacated, all under 2020 going forward

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NOTE:

Schools previously under the vacated 2024 regulations - you may have cases where your 2024 policy still applies.

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SEE YOU IN LESSON 3!

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LESSON THREE

THE 2020 REGULATIONS



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BIG PICTURE



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IMPACT AND IMPORTANCE OF 2024 DESPITE THE VACATUR

- Highlight of Pregnancy Requirements
- Preamble - Explanations
- Best Practices
- Factors for Making Decisions Even Under 2020

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THE LEGALESE OF IT ALL...



01 Unofficial and published versions of the regulations

02 34 CFR 106

03 Preamble - what is it?

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TITLE IX SEXUAL HARASSMENT + EDUCATION PROGRAM OR ACTIVITY = FORMAL GRIEVANCE PROCESS

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OVERVIEW

- Very specific terms and language
- Prescriptive Process
- Title IX team necessary

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LANGUAGE MATTERS



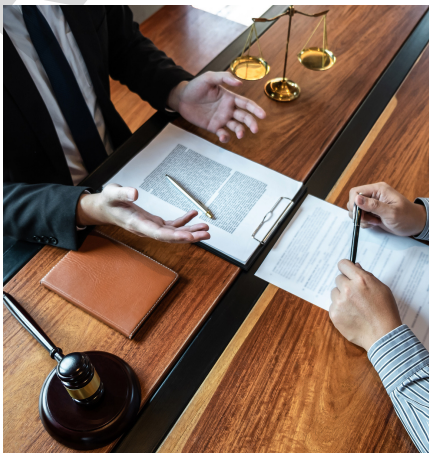
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"PARTIES" IN TITLE IX MATTER

COMPLAINANT

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



RESPONDENT

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

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School and/or Coordinator are NOT a PARTY (Complainant) even if the matter is signed by the Title IX Coordinator

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CONDUCT THAT INVOLVES



01 Student on student

02 Employee on employee

03 Student on employee

04 Employee on student

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LESSON FOUR

TITLE IX TEAM AND TRAINING REQUIREMENTS



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TITLE IX TEAM

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TITLE IX TEAM



TITLE IX COORDINATOR

- Investigator(s)
- Decision-Maker(s)
- Appellate Decision-Maker(s)
- Informal Resolution Facilitators?

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ROLE & RESPONSIBILITY OVERLAP

Coordinator cannot be decision-maker; can be investigator (caution) and/or informal resolution facilitator

Investigator cannot be the decision-maker



Investigator can be informal resolution facilitator (caution)

Appellate decision-maker(s)

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Others with Title IX Responsibility



EMPLOYEES



ADVISORS



SUPPORT TEAM

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TRAINING FOR THE TITLE IX TEAM

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TRAINING REQUIREMENTS

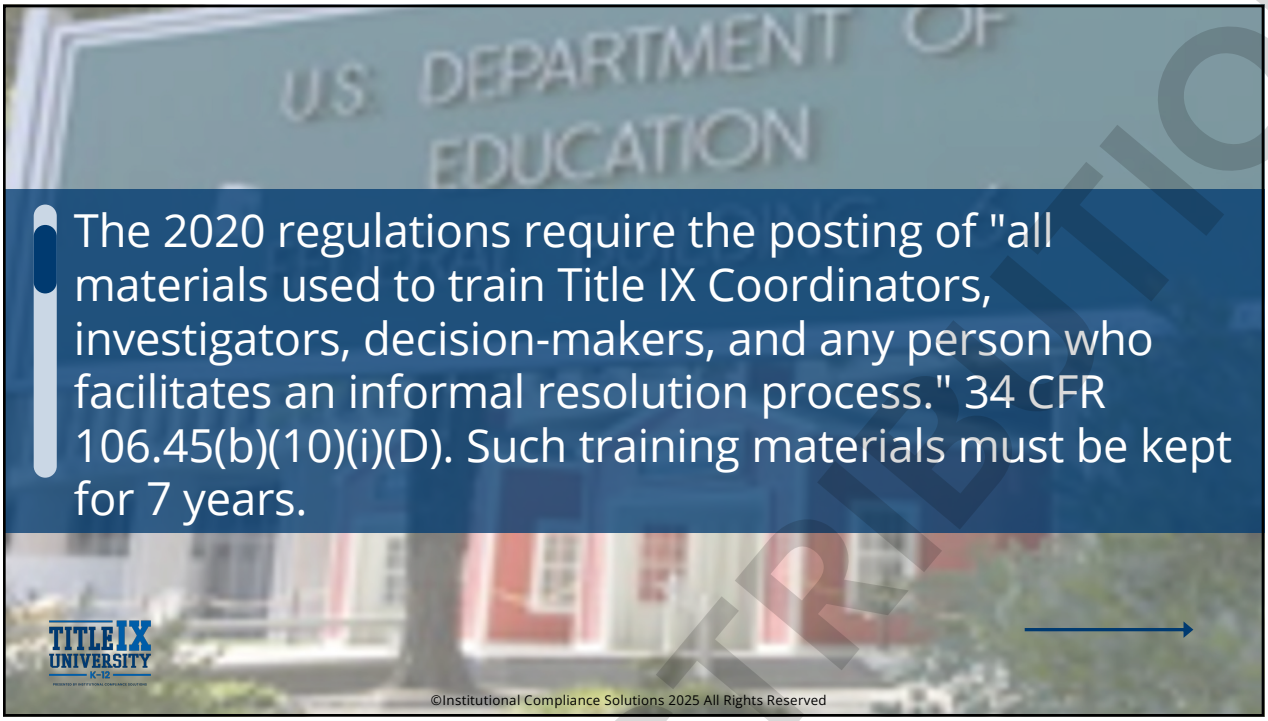
Under the 2020 Title IX regulations, the Title IX team must be trained on:

- Definition of sexual harassment
- Scope of school's program or activity
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable
- How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- Decision-makers and investigators must be trained on issues of relevance
- Decision-makers must be trained on any technology used at a live hearing

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LESSON FIVE

AVOIDING BIAS AND CONFLICT OF INTEREST



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Title IX team must serve impartially in their role and avoid prejudgment of the facts as issue, conflicts of interest, and bias.

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Conflict of interest or bias cannot be for or against complainants or respondents generally or the individual complainant or respondent in a matter.

- Family friend is a witness in a matter.
- Child is a party in a matter.
- You are a witness in a matter.
- Close relationship with a party.

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WHY IS THIS IMPORTANT?



- Erodes trust in grievance procedures/creates barriers
- Decreases the ability to ensure a fair and reliable outcome

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WAYS TO MITIGATE BIAS/CONFLICT OF INTEREST



- Training that avoids sex stereotypes
- Continuously check your bias throughout a matter
- Equitable treatment of the parties

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IN EVERY CASE:



01 Evaluate whether you have a conflict of interest/bias at the outset of a matter.

02 Check biases throughout a matter.

03 Notify the Title IX Coordinator if a bias/conflict of interest arises. (What if you are the Coordinator?)

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LESSON SIX

SEXUAL HARASSMENT



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TITLE IX SEXUAL HARASSMENT ⊕ EDUCATION PROGRAM OR ACTIVITY = FORMAL GRIEVANCE PROCESS

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SEXUAL HARASSMENT



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QUID PRO QUO



1. An employee of the school
2. Conditioning the provision of an aid, benefit, or service of the recipient
3. On an individual's participation in unwelcome sexual conduct

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BUCKET #1 EXAMPLE



In a meeting with a junior faculty member, Dr. Smith informs the faculty member that if he engages in sexual activity with her, she will ensure he receives tenure and promotion.

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HOSTILE ENVIRONMENT HARASSMENT



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 recipient's education program or activity

1. Severe - can be non-verbal through sexual assault (touching/fondling)
2. Pervasive - how often and how widespread
3. Objectively Offensive - behavior that would be offensive to a reasonable person under the circumstances

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BUCKET #2 EXAMPLE



Lucy makes comments every day for two weeks about Jenny's body - some in writing and some verbally. Examples:

- "Look at your boobs"
- "Those jeans look great on your butt"
- "I wish I could hit that"
- Makes sexual noises when she sees her

Jenny is uncomfortable and has started skipping classes to avoid her.

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FACT SPECIFIC INQUIRY to help determine hostile environment

**Note- this is derived from the 2024 regulations but is still helpful and appropriate for 2020*

- The degree to which the conduct affected the complainant's ability to access the school's education program or activity
- The type, frequency, and duration of the conduct
- The location of the conduct and the context in which the conduct occurred
- The parties' ages, roles within the school's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct
- Other sexual harassment in the school's education program or activity

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SPECIFIC OFFENSES



SPECIFIC OFFENSES

1. SEXUAL ASSAULT
   a. RAPE
   b. FONDLING
   c. INCEST
   d. STATUTORY RAPE
2. DATING VIOLENCE
3. DOMESTIC VIOLENCE
4. STALKING

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SEXUAL ASSAULT

Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

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 his/her age or because of his/her temporary or permanent mental incapacity.

Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

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IMPORTANT UPDATE

In June 23, 2025, the FBI issued its annual update to the National Incident-Based Reporting System (NIBRS) User Manual. This update broadens the Title IX definition of "fondling" to "criminal sexual contact". The new definition is:

- The intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation.
- The forced touching by the victim of the actor's clothed or unclothed body parts, without consent of the victim, for the purposes of sexual degradation, sexual gratification, or sexual humiliation.
- This includes 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 for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

****Talk with your Coordinator and review your policies and procedures regarding your school's response to this change****

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BUCKET #3 EXAMPLE

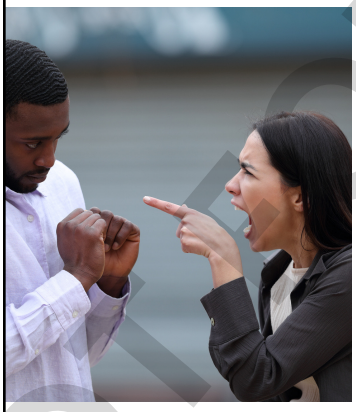


- **Rape:** Thomas pulls down James' pants in the locker room and puts a pen in James' rectum.
- **Fondling:** Laura grabs Phil's genitals over his shorts and squeezes while making a sexual comment.
- **Incest:** Ms. Jones has been sleeping with her nephew, a 17-year-old student.
- **Statutory Rape:** Adam, an 18-year-old Freshman, is caught in a sexual act with Dina, a 7th grade camper.

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DATING VIOLENCE:



A CRIME COMMITTED BY A PERSON:

Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

Where the existence of such a relationship shall be determined based on a consideration of the following factors:

- Length of relationship
- Type of relationship
- Frequency of interaction between the persons involved in the relationship

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BUCKET #3 EXAMPLE

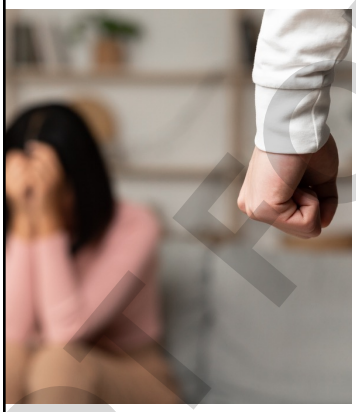


Aria and Blake were in a dating relationship for about 6 months. After they broke up, Aria pushed Blake against the wall in the hallway.

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DOMESTIC VIOLENCE:



Felony or misdemeanor crimes committed by a person who:

- Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction* of the recipient (school), or a person similarly situated to a spouse of the victim;
- Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- Shares a child in common with the victim; OR
- Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

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BUCKET #3 EXAMPLE



Mr. Smith and Ms. Adams live together and are in a romantic relationship. One day Mr. Smith sees Ms. Adams flirting with another professor. Mr. Smith goes into Ms. Adams' classroom yelling and flips her desk.

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STALKING:

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety or the safety of others OR
- Suffer substantial emotional distress



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BUCKET #3 EXAMPLE



Landry leaves notes on Lindsay's car professing his love for her. He sits near her in the student center around lunch every day. Landry also calls her phone at all hours from multiple numbers. Lindsay ignores Landry but feels anxious about what he might do next.

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CONSENT:



Not defined under regulations — but you need to have one.

The Assistant Secretary will not require a recipient to adopt A PARTICULAR definition of consent.

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SEE YOU IN LESSON 7!

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LESSON SEVEN

JURISDICTION



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JURISDICTION = THE WHERE

"Education program or activity"

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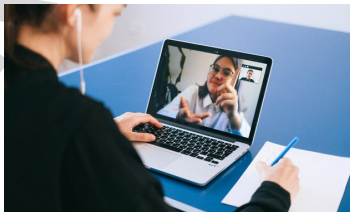
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Jurisdiction

Education Program or Activity



Locations, events, or circumstances (operations) over which the school or district exercised substantial control over both the respondent AND the context in which the sexual harassment occurs.



Includes online sexual harassment but it must be analyzed to determine if it occurs in education program or activity.



Does not create or apply a geographic test, does not draw a line between "off campus/property" and "on campus/property," & does not create a distinction between sexual harassment occurring in person vs online.

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THE BIG QUESTION



Does the district have control?

- Control over the location and/or event.
- Control over the Respondent (employee or student).

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PROGRAM/ACTIVITY







CONTROL OVER RESPONDENT + CONTROL OVER LOCATION / EVENT = TITLE IX

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FINAL NOTE:



There is no time limit on bringing a report forward.

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SEE YOU IN LESSON 8!

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LESSON EIGHT

GRIEVANCE PROCEDURES - BASICS



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TITLE IX SEXUAL HARASSMENT + EDUCATION PROGRAM OR ACTIVITY = FORMAL GRIEVANCE PROCESS

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INITIAL REPORT

- Triaged by Title IX Coordinator
- Can come from anyone/anywhere
- Determining whether Title IX or something else

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FORMAL GRIEVANCE PROCEDURE

1. Title IX Coordinator meets with Complainant/Offers Supportive Measures
2. Formal Complaint
3. Notice of Allegations



4. Investigation
5. Determination
6. Appeal?

**Informal Resolution any time after Formal Complaint but before the Determination*

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FORMAL COMPLAINT



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FORMAL COMPLAINT:

DOCUMENT (WRITTEN)



TITLE IX



Meet with Complainant
-Support
-Discuss Process
-Explain Options

No Formal Complaint	Formal Complaint
Supportive Measures Only	Signed by Complainant/ or Coordinator

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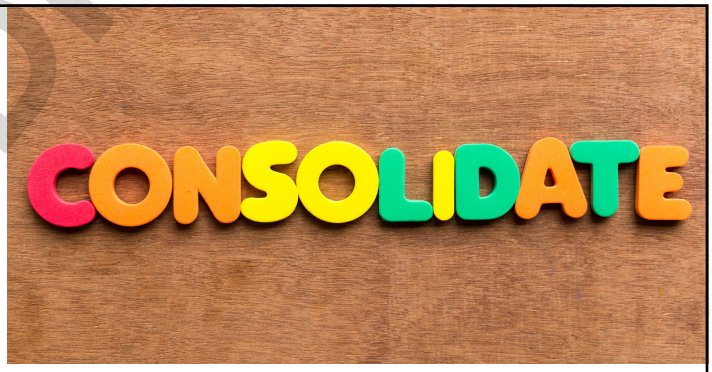
CONSIDERATIONS FOR WHEN A COORDINATOR MAY SIGN A FORMAL COMPLAINT:

- The complainant's request not to proceed with formal complaint;
- The complainant's reasonable safety concerns regarding initiation of a formal complaint;
- The risk that additional acts of sexual harassment would occur if a complaint is not initiated;
- The severity of the alleged sexual harassment, including whether the sexual harassment, if established, would require the removal of a respondent from the school or imposition of another disciplinary sanction;
- The age and relationship of the parties, including whether the respondent is an employee of the school;
- The scope of the alleged sexual harassment, including information suggesting a pattern, ongoing sexual harassment, or sexual harassment alleged to have impacted multiple individuals;
- The availability of evidence to assist a decision maker in determining whether sexual harassment occurred; and
- Whether the school could end the alleged sexual harassment and prevent its recurrence without initiating its formal grievance procedures.

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CONSOLIDATION OF FORMAL COMPLAINTS



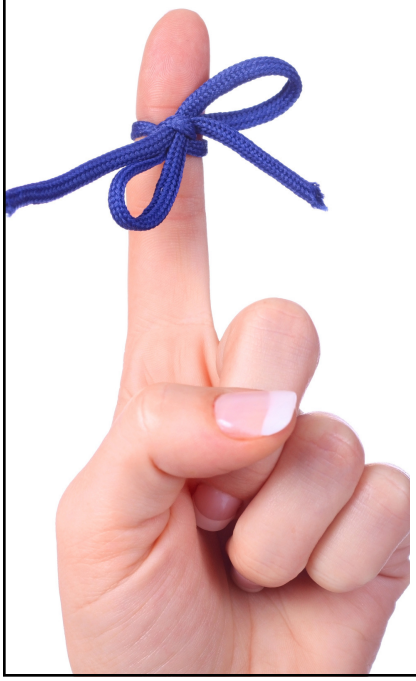
School MAY consolidate Formal Complaints when the allegations of sexual harassment arise out of the same facts or circumstances and:

- Allegations are related to more than one Respondent
- Allegations are by more than one Complainant against one or more Respondent
- Allegations by one party against the other party (Cross Complaint)

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REMINDER!!!

No Investigation before or without a Formal Complaint

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NOTICE OF ALLEGATIONS

NOTE

When: After FORMAL COMPLAINT & with sufficient time to prepare for any interview

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NOTICE OF ALLEGATIONS

WHAT IS INCLUDED:

- Notice of the school's grievance process
- Notice of the allegations of sexual harassment
- Sufficient details
  - Identities of the parties
  - Conduct that occurred
  - Date
  - Location
- Respondent is presumed not responsible
- Determination is made at the end of the grievance process
- Opportunity to have an advisor of choice (may be an attorney)
- Parties will have opportunity to inspect and review evidence
- Code of Conduct provisions related to false statements or false information

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WHO ARE ADVISORS?



Anyone
- Attorney
- Parent
- Witness--- most challenging--- Not prohibited. Not recommended.

What is their purpose?
- Support
- Understanding
- Extra ears
- Should be copied on written correspondence and permitted to attend all meetings
- Potted plant

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INVESTIGATION



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REMINDER!!!

Investigator cannot be the Decision-Maker

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INVESTIGATIVE TIMELINE 2020

1. INVESTIGATE
2. OPPORTUNITY TO INSPECT AND REVIEW EVIDENCE RELATED TO ALLEGATIONS AND PROVIDE WRITTEN RESPONSE
   10 days
3. INVESTIGATIVE REPORT
4. OPPORTUNITY TO REVIEW FINAL REPORT AND PROVIDE WRITTEN RESPONSE
   10 days
5. RESOLUTION
6. APPEAL

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MUST: Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is DIRECTLY RELATED to the allegations. Including:

- The evidence upon which the school does not intend to rely in reaching a determination
- Inculpatory or exculpatory evidence

SO THAT EACH PARTY CAN MEANINGFULLY RESPOND TO THE EVIDENCE PRIOR TO CONCLUSION OF THE INVESTIGATION.

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HOW LONG? 10 DAYS (BUSINESS OR CALENDAR) DEFINE IN POLICY

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REPORT:



Organization of Report

- Only include "relevant" evidence
- SUMMARY of information from each party and witness
- DESCRIPTION of physical or digital evidence
- Timeline(s)
- Consistencies/inconsistencies
- At the end of the investigation there is a written investigative report and another 10 day response period for both parties

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REVIEW OF REPORT

- Required 10 day review and response period (before determination)
- Consider waiting for response before sending to decision-maker

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DETERMINATION



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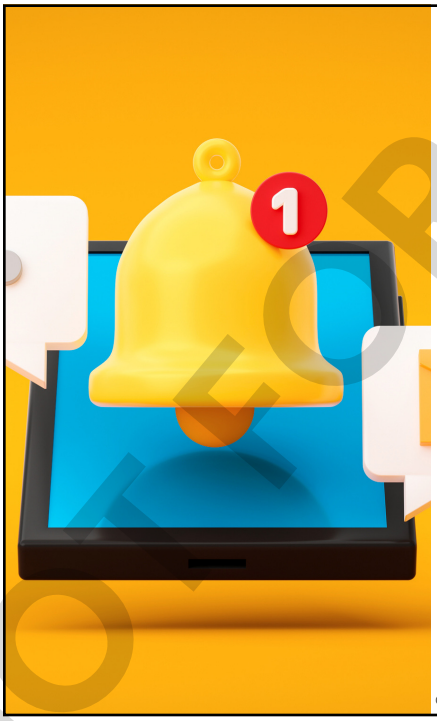
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DECISION-MAKER DETERMINATION REGARDING RESPONSIBILITY CHECKLIST:

- Identification of the Allegations
- Description of Procedural Steps Taken
  - Notifications to the Parties
  - Interviews with Parties and Witnesses
  - Site Visits
  - Methods Used to Gather Other Evidence
  - Hearings Held
- Findings of Fact Supporting Determination
- Conclusions Regarding the Application of the Code of Conduct to the Facts
- Result of Each Allegation Including Rationale
  - Determination Regarding Responsibility
  - Disciplinary Sanctions
  - Whether Remedies Designed to Restore or Preserve Equal Access to Education Program or Activity Provided to the Complainant
- Procedures and Permissible Basis for Appeal

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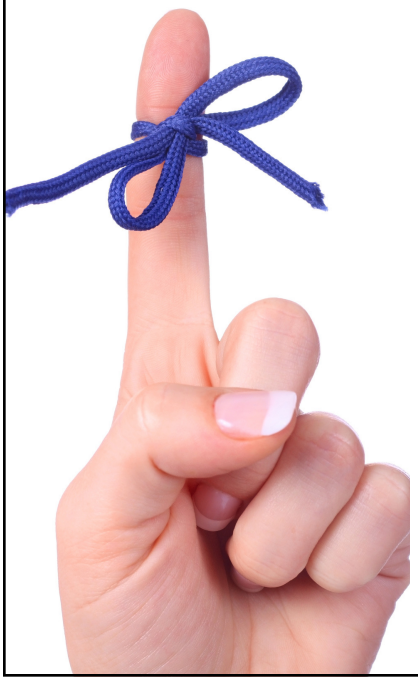


SIMULTANEOUS NOTIFICATION OF OUTCOME TO BOTH PARTIES

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REMINDER!!!

- Make sure supports are in place when sending notification of determination.
- Send to BOTH parties and advisors/guardians simultaneously. Include appeal options.

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APPEALS



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APPEALS



- Offered to both parties
- Can appeal dismissal of Formal Complaint or any allegations therein or determination regarding responsibility
- On the following basis:
  - Procedural irregularity that affected the outcome of the matter
  - New Evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter
  - Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter
  - Additional bases if offered equally to both parties
- Notify the other party in writing when an appeal is filed
- Give both parties a reasonable opportunity to submit a written statement in support of or challenging the outcome
- Written decision describing the result and rationale for the result
- Provide written decision simultaneously to both parties

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INFORMAL RESOLUTION



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Informal Resolution

1. Cannot be offered as a condition of enrollment or continued employment
2. Cannot be offered to resolve employee on student allegations
3. After a Formal Complaint is filed
   Prior to decision regarding responsibility
4. Parties cannot be required to participate
5. District or school must:
   - Provide written notice disclosing allegations, requirements of the informal resolution process including circumstances under which it preclude the parties from resuming a Formal Complaint arising from the same allegations
   - Allow any party the right to withdraw from the informal resolution process and resume grievance process with respect to Formal Complaint
   - Provide consequences resulting from informal resolution process including records maintained or shared
   - Obtain both parties voluntary, written consent to the informal resolution process

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SEE YOU IN LESSON 9!

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LESSON NINE

IMPORTANT INFORMATION



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SUPPORTIVE MEASURES:

Individualized measures offered, as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

- Restore or preserve that party's access to the recipient's (school's) education program or activity, including measures that are designed to protect the safety of the parties or the recipient's (school's) educational environment; OR
- Provide support during the recipient's (school's) grievance procedures, or during the informal resolution process.

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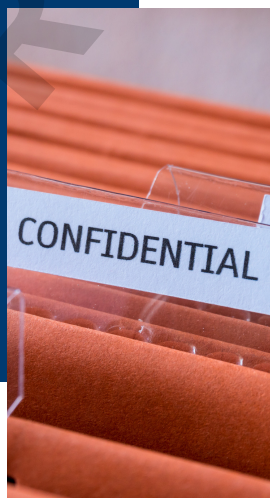


Disability Services/ Resources & Title IX Overlap

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RECORDKEEPING

- Specific obligations to maintain records for seven years.
- You play an important part in the school complying with this mandate.

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RETALIATION

- Retaliation prohibited in the regulations
- Allegations of retaliation do not have to go through the Formal Grievance Process

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REMINDER:

It is imperative that you are familiar with and follow YOUR policies and procedures.

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SEE YOU IN LESSON 10!

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LESSON TEN

CLOSING THOUGHTS AND ASSESSMENT



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OVERVIEW OF THE PROCESS

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OVERVIEW OF THE FORMAL TITLE IX GRIEVANCE PROCESS

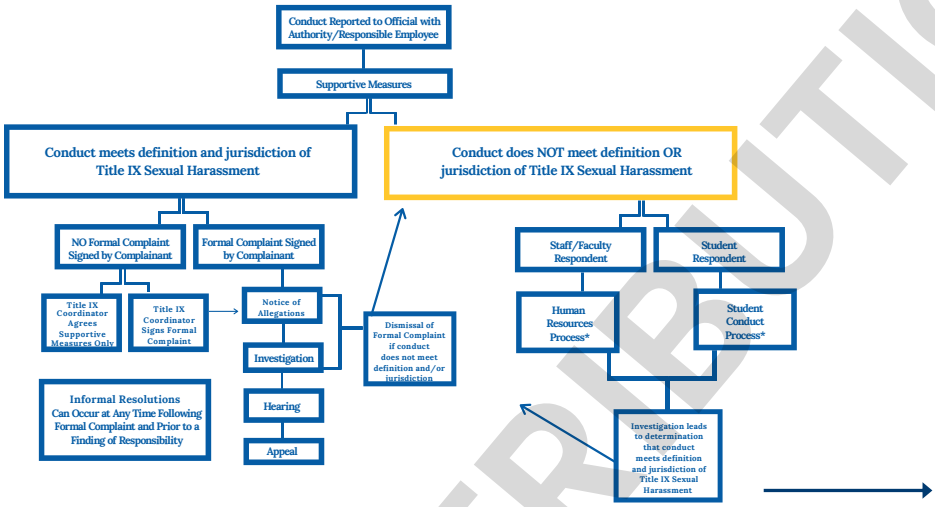
1. SEXUAL HARASSMENT REPORTED
2. FORMAL COMPLAINT BY COMPLAINANT/ TITLE IX COORDINATOR
3. NOTICE OF ALLEGATIONS
4. INVESTIGATION
5. RESOLUTION
6. APPEAL

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Title IX Process Flow Chart



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TITLE IX COORDINATOR IS YOUR RESOURCE ON QUESTIONS



Need to be trained on YOUR specific policies and procedures.

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BE SURE YOU HAVE CLARITY ON YOUR ROLE IN COMPLIANCE

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WHAT IS NEXT?

Your training pathway for your role.....

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TITLE IX UNIVERSITY FUNDAMENTALS

- Title IX Introduction and Overview
- Informal Resolution Facilitator
- Title IX Coordinator
- Title IX Athletics
- Title IX Investigator
- Intro to Pregnancy and Related Conditions under Title IX
- Title IX Decision-Maker
- 2020 Title IX Regulations Refresher (note: for those previously trained)
- Decision-Maker Appeals
- Overview of Title VI

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TRAINING PATHWAYS

Title IX Coordinator and/or Designee(s)

REQUIRED!

Title IX Introduction and Overview → **Title IX Coordinator** → **Suggested to take all Fundamental Courses!** → **Intermediate and Advanced courses**

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TRAINING PATHWAYS

Title IX Investigator

REQUIRED!
Title IX Introduction and Overview

Title IX Investigator

Most Fundamental Courses helpful

Intermediate and Advanced courses

Title IX Decision-Maker

REQUIRED!
Title IX Introduction and Overview

Title IX Decision-Maker

Fundamentals

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TRAINING PATHWAYS

Title IX Informal Resolution Facilitator

REQUIRED!
Title IX Introduction and Overview

Informal Resolution Facilitator

Fundamentals

Consider additional coursework

Title IX Appellate Decision-Maker

REQUIRED!
Title IX Introduction and Overview

Title IX Appellate Decision-Maker

Fundamentals - Investigator and Decision-Maker

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REMINDER!!!

- Do not forget your course downloads and other resources within Title IX University
- Triage Tool
- Survival Kit

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QUESTIONS?

Title IX Coordinator
info@titleixu.com



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