



Title IX Training

Christina Gallagher, Esq.
Wisler Pearlstine, LLP
cgallagher@wispearl.com
(610) 834-3456

Radnor Township School District
August 4, 2026

©2026 Wisler Pearlstine, LLP

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.”***

Terminology Used

- “Complainant” reports a Title IX violation
 - victim
 - survivor
 - accuser
 - plaintiff – in litigation
- “Respondent” is the individual against whom the Title IX report was made
 - perpetrator
 - accused
 - assailant
 - defendant – in litigation
- Recipient
 - Educational institution receiving federal financial assistance

Definition of Sexual Harassment

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

- An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
- 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; or
- "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Dating Violence “dating violence” as defined in 34 U.S.C. 12291(a)(10)

- The term “dating violence” means violence committed by a person—
 - (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (i) The length of the relationship.
 - (ii) The type of relationship.
 - (iii) The frequency of interaction between the persons involved in the relationship.

Domestic Violence

- Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Stalking” as defined in 34 U.S.C. 12291(a)(30)

- The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
 - (A) fear for his or her safety or the safety of others; or
 - (B) suffer substantial emotional distress.

Sexual Assault as defined in 20

U.S.C. 1092(f)(6)(A)(v)

- Defined by the FBI's National Incident-Based Reporting System – Changed in June 2025
 - Rape
 - Sodomy
 - Sexual Assault With An Object
 - Criminal Sexual Contact
 - Incest
 - Statutory Rape
 - Failure to Register as a Sex Offender*

Sexual Assault as defined in 20 U.S.C. 1092(f)(6)(A)(v)

- 11A Rape (except Statutory Rape)
- 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, or by a sex-related object. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.
- Agencies should classify the crime as 11A Rape, regardless of the age or gender of the victim or offender, if the victim did not consent or if the victim was incapable of giving consent. If the victim consented, the offender did not force or threaten the victim, and the victim was under the statutory age of consent, agencies should classify the crime as 36B Statutory Rape.

Sexual Assault as defined in 20 U.S.C. 1092(f)(6)(A)(v)

- 11B Sodomy (reclassified to 11A Rape for reporting purposes)
- Note: 11B Sodomy and 11C Sexual Assault With An Object will be reclassified and recoded under the broader category of 11A = Rape. Moving forward, all FBI UCR Program publications will reflect these offenses under the rape category.

Sexual Assault as defined in 20 U.S.C. 1092(f)(6)(A)(v)

- 36B Statutory Rape
- Nonforcible sexual intercourse with a person who is under the statutory age of consent.
- There is no force or coercion used in 36B Statutory Rape; the act is not an attack. LEAs should classify an offense as 36B Statutory Rape based on the state's Statutory Rape laws and the findings of the LE investigation.

Sexual Assault as defined in 20 U.S.C. 1092(f)(6)(A)(v)

- 11C Sexual Assault With An Object (reclassified to 11A Rape for reporting purposes)
- Note: 11B Sodomy and 11C Sexual Assault With An Object will be reclassified and recoded under the broader category of 11A = Rape. Moving forward, all FBI UCR Program publications will reflect these offenses under the rape category.

Sexual Assault as defined in 20 U.S.C. 1092(f)(6)(A)(v)

- 36A Incest
- Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. The classification for this offense should not be determined based solely on the relationship and/or age of the persons. If force is used in any way, this should be classified as 11A Rape.

Sexual Assault as defined in 20 U.S.C. 1092(f)(6)(A)(v)

- 11D Criminal Sexual Contact
- 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 purpose of sexual degradation, sexual gratification, or sexual humiliation.
- This offense 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.

Examples that May Trigger Title IX *Not to be construed as an exhaustive list or checklist*

- Physical Contact
 - Including sexual acts
- Conduct related to a student-on-student romance or relationship
 - Texting
 - Contact in school or out of school contact infiltrating into school
- Comments or slurs based on sex, gender, or sexual orientation
- Reported Technology Facilitated Sexual Abuse

Title IX Protections Extend to

- Students
- Employees
- Visitors
- These individuals can be a complainant or responded.
- Includes
 - Student-on-student conduct
 - Employee-on-student conduct
 - Student-on-employee conduct

When is Title IX Triggered?

- Regulations require educational entities to respond when they have “actual knowledge” of a complaint of sexual harassment, which can include a report to any employee of an elementary or secondary school.

Guiding Principles

- Ensuring the safety of students, employees, and others (i.e., visitors, independent contractors) is **CRUCIAL!**
 - Responding to and stopping reported behavior
 - Implementing supportive measures
- Communication / Reporting
 - Law Enforcement & Child Line when required
 - To families of Incident
 - Title IX Coordinator will do follow-up correspondence with the families & Coordinator is required to offer process
 - To Title IX Coordinator Incident
 - Phone call and email
- Asking questions!

Supportive Measures

- Supportive measures must be provided to complainant:
 - Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.
 - Such measures are designed to restore or preserve equal access to the educational entity's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational entity's educational environment, or deter sexual harassment.
 - Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring and other similar measures.
 - Must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the educational entity to provide the supportive measures.

Impact on Discipline

- “A recipient’s response must treat complainants and respondents equitably by offering supportive measures as defined in § 106.30 to a complainant, and by following a grievance process that complies with § 106.45 **before the imposition of any disciplinary sanctions** or other actions that are not supportive measures as defined in § 106.30, **against a respondent**.” See § 106.44 (a)

Title IX Grievance Process

- The Title IX grievance process is only commenced when a family or the Title IX Coordinator files a complaint.
 - Will not be commenced for every instance of Title IX conduct
- It happens after the Title IX Coordinator makes conduct with the family
- It is not a replacement for a school-based investigation.
- School-based investigations are necessary to (1) uncover conduct that could trigger Title IX and (2) address the conduct

Highlights of Title IX

- Permits Complainants to file a Title IX Complaint, which commences a three-step Grievance Process
 - Investigation
 - Decision-making stage
 - Appeals Process
- Process contains
 - Disclosure requirements, little to no confidentiality
 - Procedural requirements, which make the process lengthy

Title IX Coordinator Responsibilities for Initial Response

- Title IX Coordinator must promptly contact the complainant to:
 1. Discuss the availability of supportive measures as defined in § 106.30
 2. Consider the complainant's wishes with respect to supportive measures
 3. Inform the complainant of the availability of supportive measures with or without the filing of a formal complaint
 4. Explain to the complainant the process for filing a formal complaint

Order of Events

- Conduct reported
- Immediate safety needs addressed (including reporting obligations, family notifications) & supportive measures offered
- School-based investigation continues
 - Documentation is crucial
- Building Admin contacts Title IX Coordinator
- Title IX Coordinator contacts Complainant and/or their family
- Title IX Complaint **could be** filed and the Title IX grievance process may be commenced
- If a Complaint is filed, a Title IX investigation may occur with a designated Title IX investigator

District Policies

- Policy 103 – Equal Opportunity and Nondiscrimination Affecting Students
- Policy 104 - Equal Opportunity and Nondiscrimination in Employment Practices
- Policy 248 – Harassment

Title IX Coordinator –
Todd Stitzel
Director of Human Resources
Administration Building
135 S. Wayne Ave., Wayne
610-688-8100 x6121
todd.stitzel@rtsd.org

QUESTIONS?

