Title IX Annual Coordinator Training

2026-2027

Oregon Department of Education

Civil Rights Unit

ode.civilrights@ode.oregon.gov

This training is not intended as legal advice and should not be taken as such; we advise you to consult with your legal counsel before making policy or process changes.

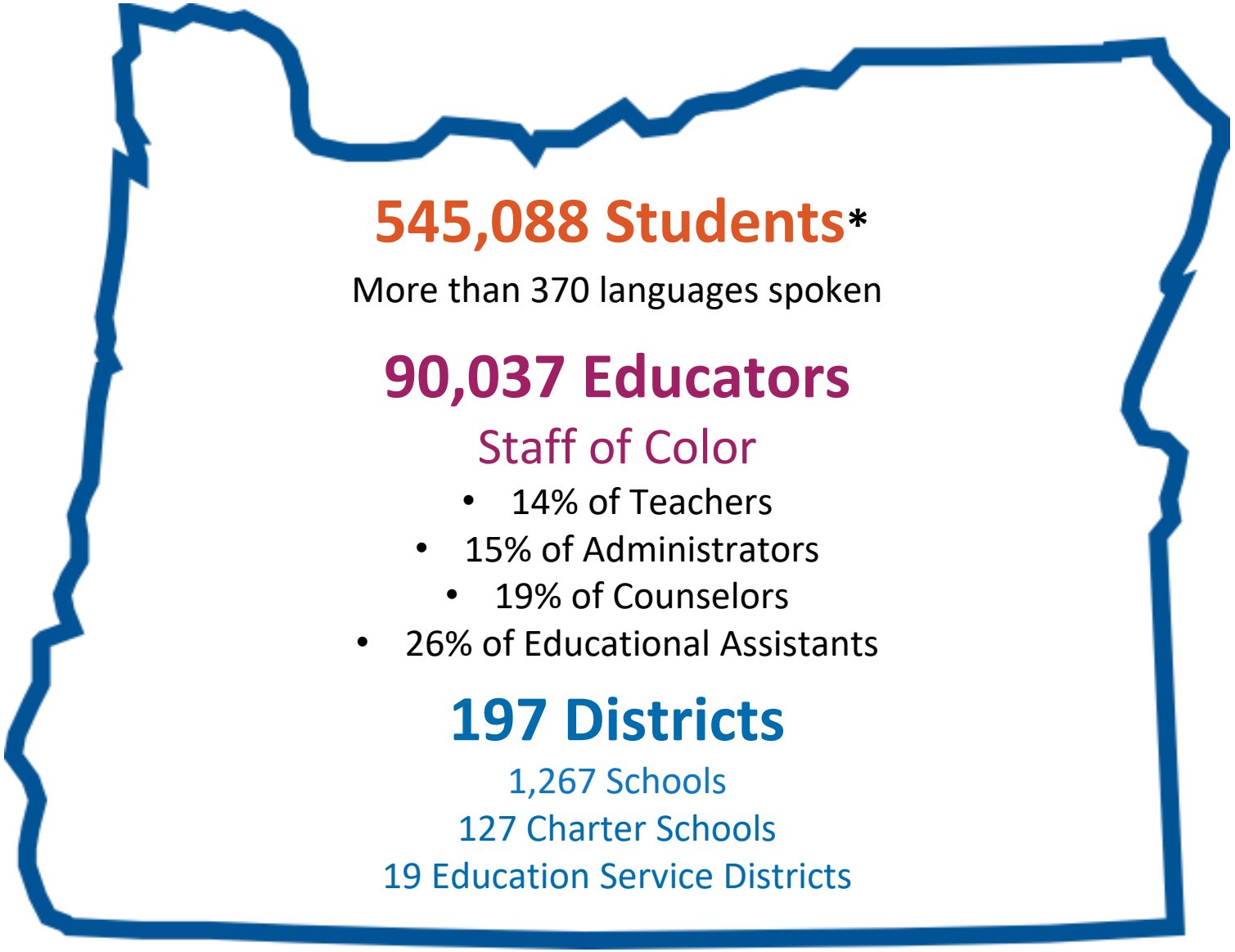
This training is being provided on August 13, 2026. Subsequent changes to law and policy may impact the accuracy of information in this slide deck.

ODE is available to support with individual technical assistance following this training.

Who We Serve

"My vision is to make sure every child in Oregon is successful and has a safe place to receive a high-quality public education. I've seen firsthand how a positive student-teacher relationship can set a child on a successful path for the rest of their life. When we collaborate and build partnerships with students, educators and families we can advance equity and lead all students toward success."

- Dr. Charlene Williams



545,088 Students*

More than 370 languages spoken

90,037 Educators

Staff of Color

- 14% of Teachers
- 15% of Administrators
- 19% of Counselors
- 26% of Educational Assistants

197 Districts

1,267 Schools

127 Charter Schools

19 Education Service Districts

*Numbers represent 2024-25

Session Agenda

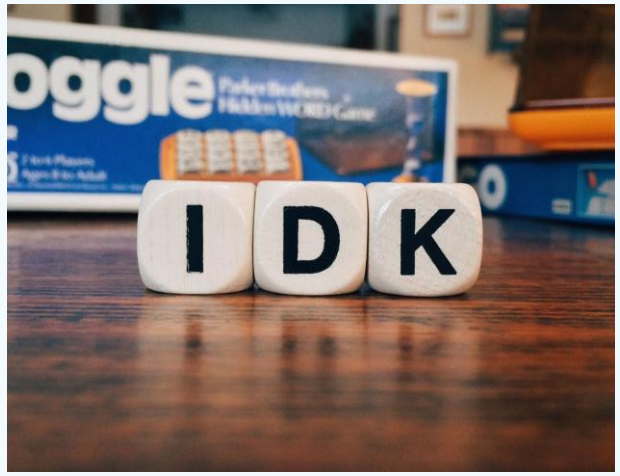


- Title IX
- Role of the Title IX Coordinator
- Focus Areas:
  - Athletics
  - Single-Sex Programs
  - Pregnant and Parenting Students
  - Sexual Harassment
- Responding to Complaints:
  - Sexual Harassment
  - Sex Discrimination
- Overlapping Oregon Laws
- Legal and Legislative Updates
- Open Q&A

Content Note:

This training discusses protected class discrimination. Explicit and discriminatory language is occasionally used. All examples are solely for educational purposes and are designed to contain elements of situations you may respond to in your school/district.

Terms & Acronyms



OCR – U.S. Department of Education Office for Civil Rights

CRC – Civil Rights Coordinator

DCL – Dear Colleague Letter

SOGI – Sexual Orientation and Gender Identity (Discrimination)

Title IX

Title IX: Sex Discrimination

1972 civil rights law that prohibits sex discrimination in federally funded education programs.

"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."

Sex Discrimination

34 CFR 106.31(b) Specific prohibitions. Except as provided in this subpart, in providing any aid, benefit, or service to a student, a recipient **shall not, on the basis of sex**:

(1) **Treat one person differently** from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service;

(2) **Provide different aid, benefits, or services** or provide aid, benefits, or services in a different manner;

(3) **Deny any person any such aid, benefit, or service**;

(4) Subject any person to **separate or different rules** of behavior, sanctions, or other treatment;

(5) Apply any **rule concerning the domicile or residence** of a student or applicant, including eligibility for in-state fees and tuition;

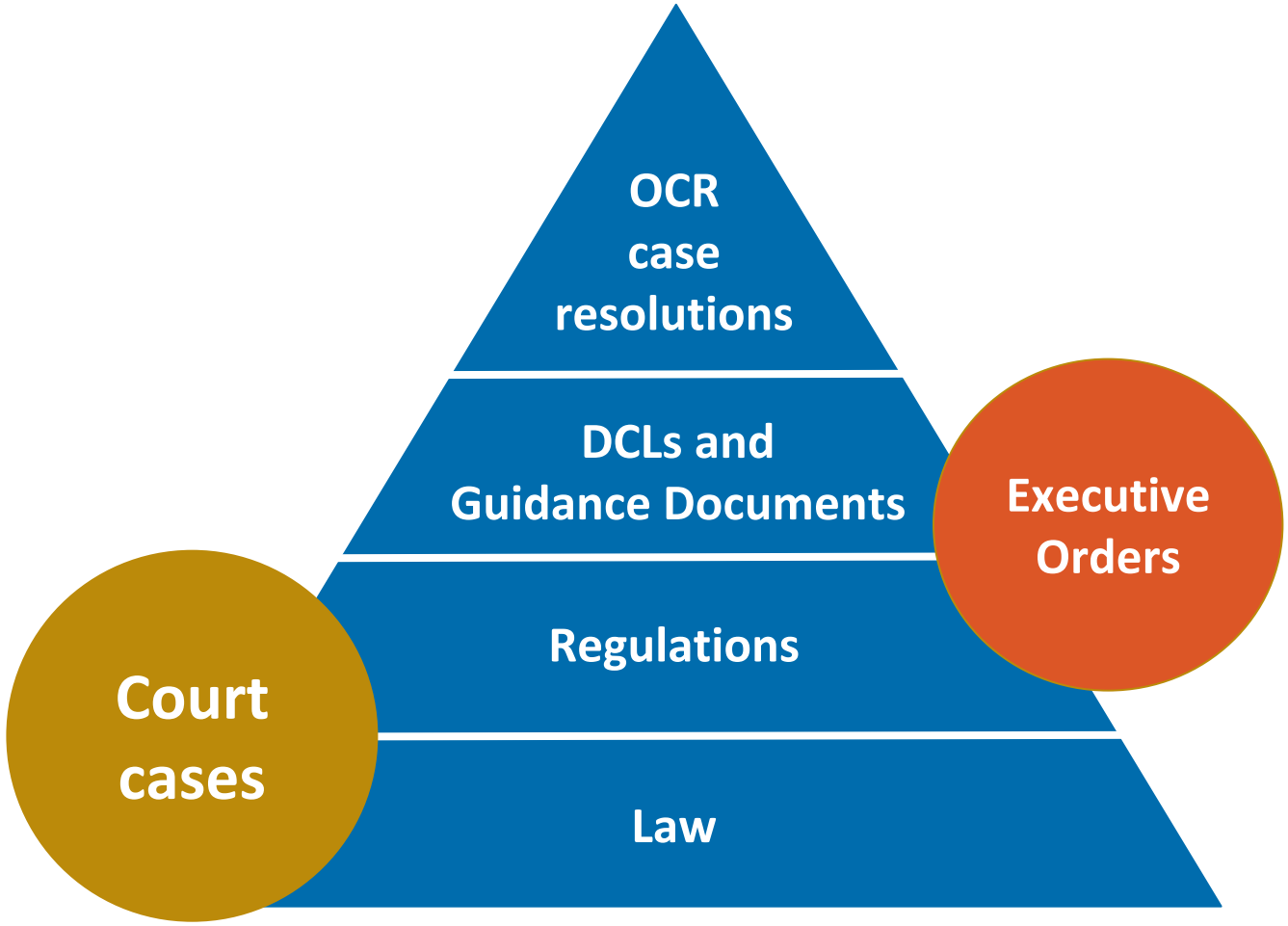
(6) Aid or perpetuate discrimination against any person by **providing significant assistance** to any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefit or service to students or employees;

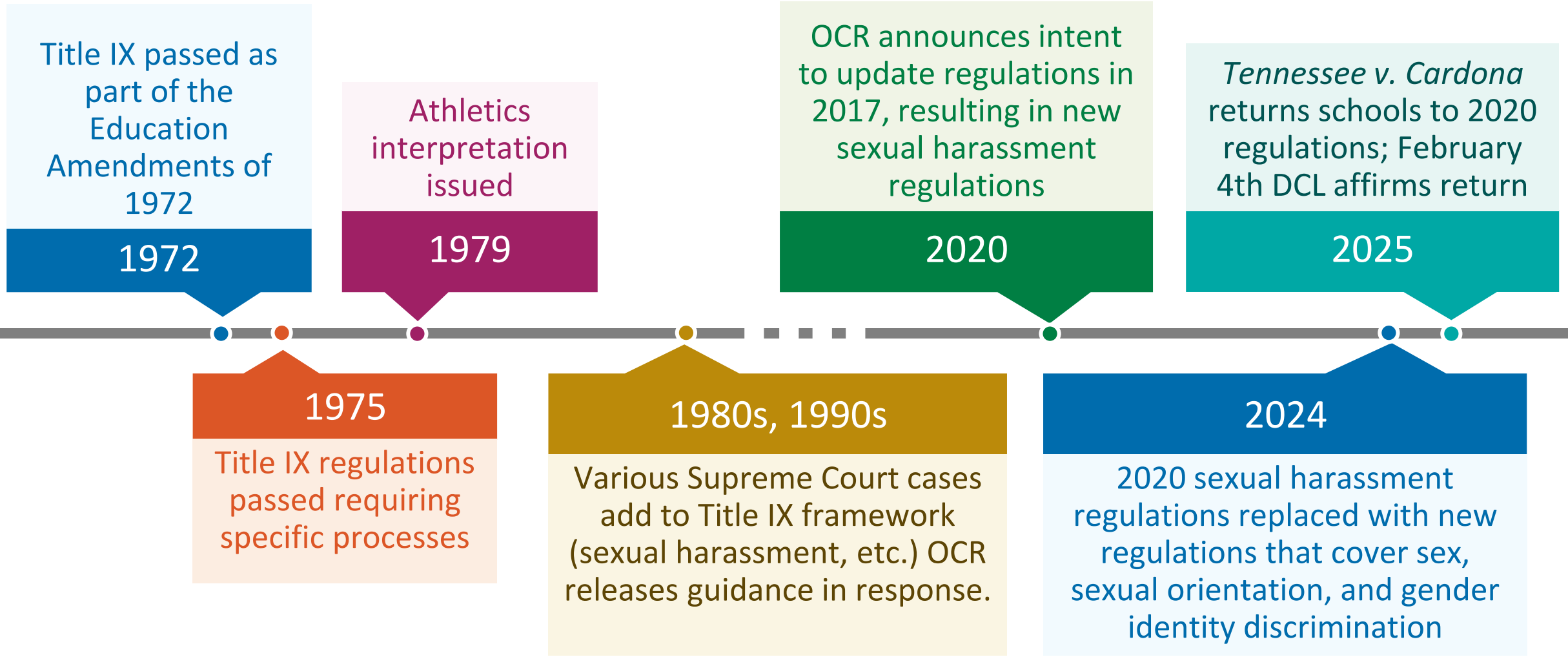
(7) Otherwise **limit any person** in the enjoyment of any right, privilege, advantage, or opportunity.

Title IX: The Living Law

Over the past 50+ years, Title IX has evolved, expanded, and changed.

The Office of Civil Rights, Congress, and the Courts have all impacted how Title IX is interpreted and enforced. To understand what to do at our schools/districts, we look to:




Title IX passed as part of the Education Amendments of 1972
1972
1975
Title IX regulations passed requiring specific processes
Athletics interpretation issued
1979
1980s, 1990s
Various Supreme Court cases add to Title IX framework (sexual harassment, etc.) OCR releases guidance in response.
OCR announces intent to update regulations in 2017, resulting in new sexual harassment regulations
2020
2024
2020 sexual harassment regulations replaced with new regulations that cover sex, sexual orientation, and gender identity discrimination
Tennessee v. Cardona returns schools to 2020 regulations; February 4th DCL affirms return
2025

Sexual Orientation and Gender Identity in Title IX

2016

OCR releases a DCL stating that discrimination of transgender students violates Title IX.

2017

OCR revokes the 2016 DCL

2021

OCR issues Notice of Interpretation stating that in accordance with *Bostock v. Clayton County*, Title VII SOGI discrimination definition will apply to Title IX

August 2024

2024 Title IX regulations explicitly list sexual orientation and gender identity under Title IX

January 2025

Tennessee v. Cardona vacates the 2024 Title IX rule



Athletics

Schools have to provide equal opportunities for boys and girls teams, as well as equal benefits (facilities, equipment, travel, etc.)



Sexual Harassment

Sexual harassment that meets a specific definition must be addressed through a specific process under Title IX.



Pregnant/Parenting Students

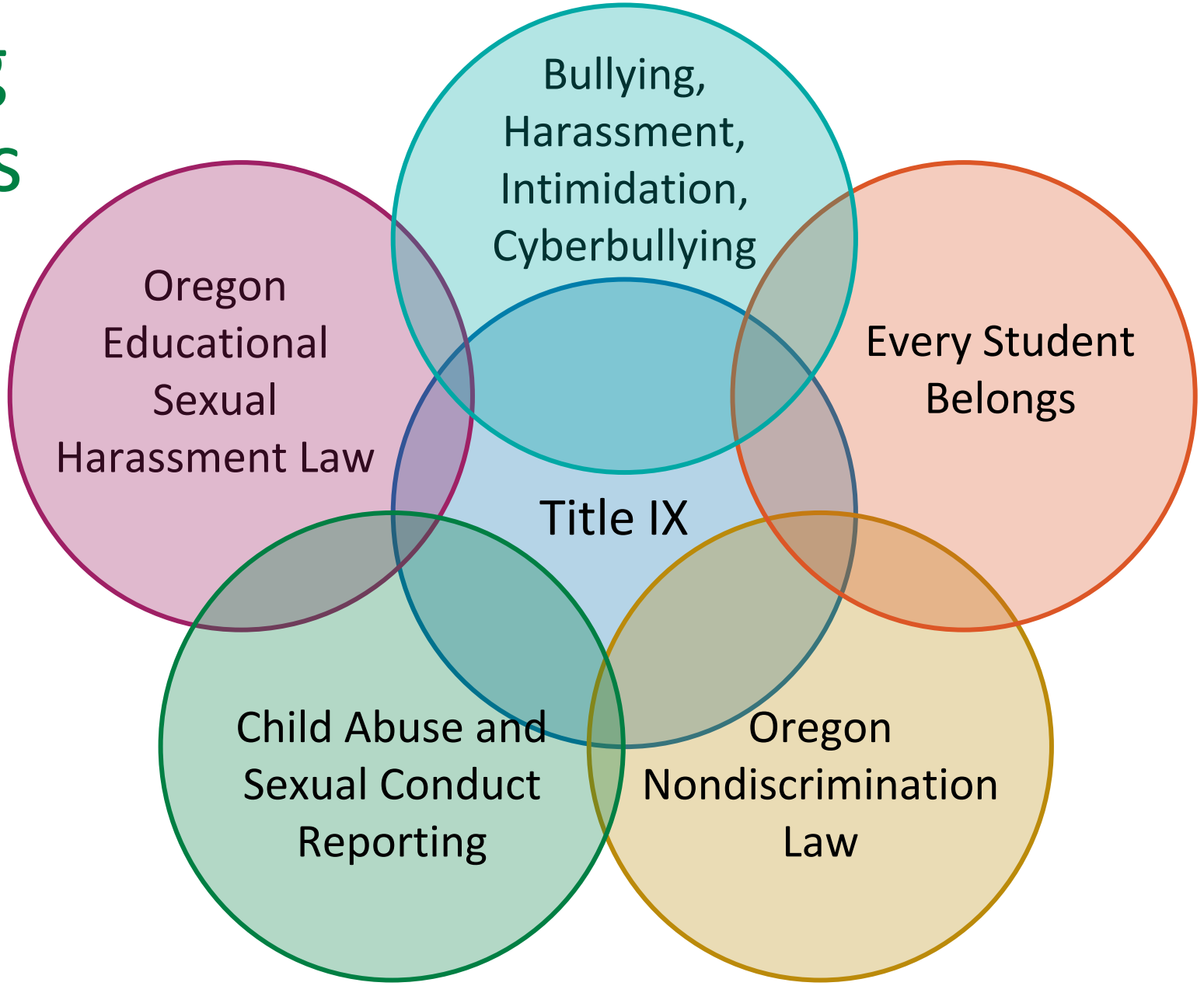
Access to all programs, supportive modifications, leave, and more.



Single-Sex (or Sex-Segregated) Programs and Activities

Single-sex programs, or separate programs by sex/gender, are only allowed in specific, limited circumstances.

Overlapping Oregon Laws



District Obligations Under Title IX

- Designate a Title IX Coordinator 34 CFR 106.8(a)
- Provide a notice of nondiscrimination 34 CFR 106.8(b)
- Adopt a policy prohibiting discrimination and adopt procedures for receiving reports and resolving complaints of sex discrimination 34 CFR 106.8(c)
- Ensure athletic programs offer equal and equitable opportunities and benefits to boys and girls athletic programs, 34 CFR 106.41
- Provide access and modifications for pregnant and parenting students 34 CFR 106.40
- Ensure compliance with Title IX regulations for any single-sex or sex-segregated programs and activities; 34 CFR 106.34
- Respond to all notice of sexual harassment and follow required procedures to investigate sexual harassment 34 CFR 106.8, 34 CFR 106.44, 34 CFR 106.45
- Train designated staff on their roles in responding to sexual harassment 34 CFR 106.45(b)(1)(iii)
  - Keep records of sex discrimination notice, complaints, and training 34 CFR 106.45(b)(10)

Notice of Nondiscrimination

- Title IX and Oregon law (OAR 581-021-0045(4)) requires a notice of nondiscrimination posted on district or charter school website
- Include contact information for Title IX Coordinator and Civil Rights Coordinator
- Must be available as a direct link on the front page of the school's website or on the footer of every page on the website.

Template Notice of Nondiscrimination

Sample Nondiscrimination Statement:

[Name of School/District] does not discriminate and prohibits discrimination in any programs or activities on the basis of protected class, including age, citizenship status, color, disability, gender identity, immigration status, marital status, national origin, race, religion, sex, or sexual orientation. See Policy [insert nondiscrimination policy] Nondiscrimination and Policy [insert complaint policy] Complaints and Procedure [link complaint form] Complaint Form. Complaints and/or inquiries regarding discrimination based on any protected class listed here may be directed to the appropriate Coordinator specified below. Unresolved complaints may be appealed to the Oregon Department of Education. Complaints and/or inquiries regarding discrimination based on age, color, disability, national origin, race, and/or sex may be referred to the U.S. Department of Education Office for Civil Rights (OCR).

The following employee(s) has been designated to handle questions and complaints of alleged discrimination:

Title IX Coordinator (sex discrimination):
Name and/or Title: [insert Title IX Coordinator name/title]
Address: [Title IX Coordinator address]
Phone Number: [Title IX Coordinator phone]
Email Address: [Title IX Coordinator email]

Section 504 Coordinator (disability discrimination):
Name and/or Title: [insert 504 Coordinator name/title]
Address: [504 Coordinator address]
Phone Number: [504 Coordinator phone]
Email Address: [504 Coordinator email]

ADA/Title II Coordinator (disability discrimination):
Name and/or Title: [insert ADA Coordinator name/title]
Address: [ADA Coordinator address]
Phone Number: [ADA Coordinator phone]
Email Address: [ADA Coordinator email]

Civil Rights Coordinator (any discrimination):
Name and/or Title: [insert CRC name/title]
Address: [CRC address]
Phone Number: [CRC phone]
Email Address: [CRC email]

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Role of the Title IX Coordinator

The Title IX Coordinator

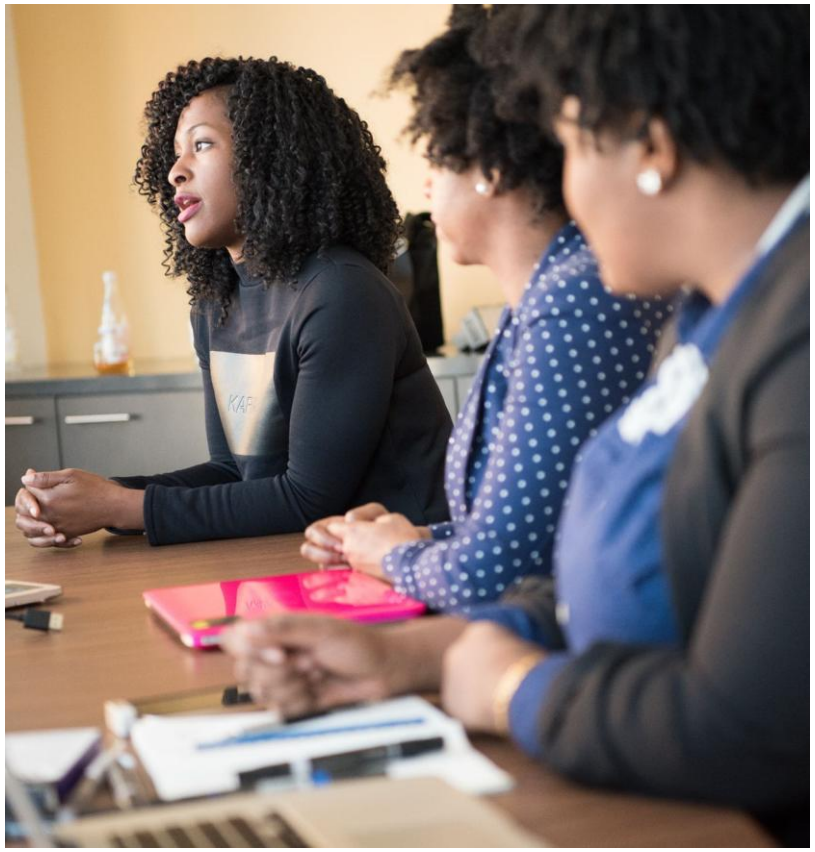


photo from Christina; unsplash.com

Designation of coordinator. Each recipient must designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under this part, which employee must be referred to as the "Title IX Coordinator."

34 CFR § 106.8(a)

In practice:

- Delegating responsibilities
- Deputy Coordinators

Role of the Title IX Coordinator

- **Ensure** the district/school is in **compliance** with Federal Title IX law, regulations, and guidance
  - **Keep track** of new law, regulations, and guidance, and update as needed
- **Coordinate responses to reports** of sex discrimination, including:
  - student and employee reports
  - sexual harassment
  - athletic equity complaints
  - single-sex education
- **Keep track of records** and data related to Title IX compliance
- **Coordinate** with other roles/departments
- **Monitor overlapping requirements** between Title IX and other Federal/state laws

Required Title IX Coordinator Training

With respect to the sexual harassment process, the Title IX Coordinator must receive training on:

- the definition of sexual harassment
- the scope of the recipient's education 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

34 CFR 106.45(b)(1)(iii)

Locate your required Title IX postings!

Go to your school/district website, and locate:

- Your **Title IX Coordinator's name and contact information**
- Your **notice of nondiscrimination**
- Your **policy** and **grievance procedures** for resolving complaints of sex discrimination and sexual harassment

Consider:

- Were you able to find all the required information?
- How easy was it for you to find?
- When were these items last updated?

Civil Rights Coordinator

- Oregon law requires schools to designate a Civil Rights Coordinator to ensure district compliance with Oregon and federal civil rights law.
- Civil Rights Coordinators work with discrimination based on based on all of Oregon's 12 protected classes – race, color, national origin, disability, religion, age, sex, marital status, sexual orientation, gender identity, and immigration and citizenship status.
- Title IX Coordinators should identify your district's Civil Rights Coordinator, and will likely want to coordinate with them on responding to sex discrimination.

ODE Civil Rights Coordinator Resources

Focus Area: Athletics

Three Analytical Standards for Athletics

1. Schools must offer male and female students **equal athletic opportunities** and effectively accommodate students' athletic interests and abilities.
2. Schools must allocate athletic financial assistance equitably.
3. Schools must provide male and female athletes with **equal benefits** and opportunities.

→ The "three-part test"

→ The "laundry list"

The Three-Part Test

Part 1: Athletic participation opportunities for males and females are substantially proportionate to their respective enrollments;

OR

Part 2: The school has a history and continuing practice of expanding athletic participation opportunities for the underrepresented sex;

OR

Part 3: The school has fully and effectively accommodated the interests and abilities of the underrepresented sex.



photo from Caleb Mullins; unsplash.com



photo from Vince Fleming; unsplash.com

The "Laundry List"

- [x] Equipment and supplies
- [x] Facilities
- [x] Assignment and compensation of coaches
- [ ] Support services
- [ ] Medical and training facilities
- [x] Scheduling of games and practices
- [x] Travel and Per Diem
- [ ] Housing and dining
- [ ] Publicity
- [ ] Opportunity to receive academic tutoring
- [ ] Recruitment

Athletic Equity FAQs and Tips

- Athletic equity calculations should be done on a yearly basis; three-part test documentation, “laundry list” equity analysis

- Private donations, team fundraisers, and booster club donations count towards athletic equity if they result in team benefits; schools that accept funding may need to use school/district funds to address any resulting equity imbalances

Helpful Resource: OSAA Athletic Equity Resources

Scenario:
Athletic Equity



photo by Peter Robbins*; unsplash.com*

Oakridge High School recently completed facility and equipment updates for its spring sports teams. Both the boys' and girls' track and field teams qualified for the state championships.

To support the teams, the Booster Club raised funds to purchase high-end competition equipment and performance gear for all athletes on the boys' track team. Because the girls' track team Booster Club sub-committee did not reach its fundraising goal, the girls' team used standard school-issued equipment and competed in their existing uniforms. Additionally, a local donor paid for the boys' team to stay at a hotel near the championship venue, while the girls' team traveled back and forth by school bus each day.

Does this put Oakridge High School at risk for a Title IX athletic equity imbalance?

Focus Area:
Single-Sex Programs

Single-Sex Programs: Core Concepts

Title IX heavily regulates single-sex programs in public education, which includes **any class, learning opportunity, extracurricular program, etc. that is offered to only one sex or that separates students by sex**.

There are only two ways a school can offer a single-sex educational program:

- If it is specifically allowable in regulation: contact sports or ability grouping in PE, human sexuality education, choruses
- If it meets specific requirements

Career and Technical Education (CTE) programs CANNOT be offered on a single-sex basis. Athletics are administered by separate regulations, and these rules do not apply.

34 CFR 106.34

Specific Requirements for Single-Sex Programs

To otherwise provide a single-sex program, must:

- be based on an important educational objective: either student achievement and diverse educational opportunities, or to meet particular identified educational needs of students
- ensure enrollment in entirely voluntary
- provide to all excluded students a substantially equal coeducational opportunity in the same subject or activity
- evaluate the program on a regular basis (at least every two years) to ensure the educational objectives are being achieved

34 CFR 106.34

Community Partners and Single-Sex Programs

All parts of a school's education programs and activities are subject to Title IX, including those facilitated by external organizations and community partners.

- If a school is partnering with an external organization, the school is responsible for ensuring the organization's practices comply with Title IX.

Schools generally cannot provide **significant assistance** to external organizations that exclude students based on sex (i.e., single-sex programs). Analyzing significant assistance takes into account:

- financial support,
- provision of tangible resources (e.g., staff, equipment, and facilities),
- intangible benefits (e.g., recognition and approval),
- whether the school district provides similar privileges and resources to other organizations,
- whether the relationship is occasional and temporary or permanent and long-term

Community Partners and Single-Sex Programs

Schools may offer significant assistance to external programs that provide single-sex activities if the organizations are Voluntary Youth Service Organizations.

> *"...**tax-exempt organizations**, the membership of which has **traditionally been limited to persons of one sex** and principally to **persons of less than nineteen years of age**. A voluntary youth service organization also must **facilitate public service opportunities** for its members."*

In order for an external organization to offer a single-sex program as part of the school's education program:

- They must be a Voluntary Youth Service Organization (VYSO)
- The school must offer a substantially equal codeducational program to excluded students

Scenario:

EmpowHER STEM Club



photo from Getty Images; unsplash.com

A regional technology company offers to partner with Cascade High School to sponsor "EmpowHER," an after-school coding and robotics program specifically designed to encourage female students to enter STEM fields. Cascade High School notices a significant gender gap in its computer science courses, where female enrollment is under 15%, and wants to host the program on campus during after-school hours.

Under Title IX, what must occur for the school to offer this program?

Focus Area: Pregnant and Parenting Students

Pregnancy or Parenting Status

A recipient shall not apply any rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex.

34 CFR 106.40(a)

Pregnancy includes “pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom.”

34 CFR 106.40(b)(1)



Photo by Media Modifier on Unsplash

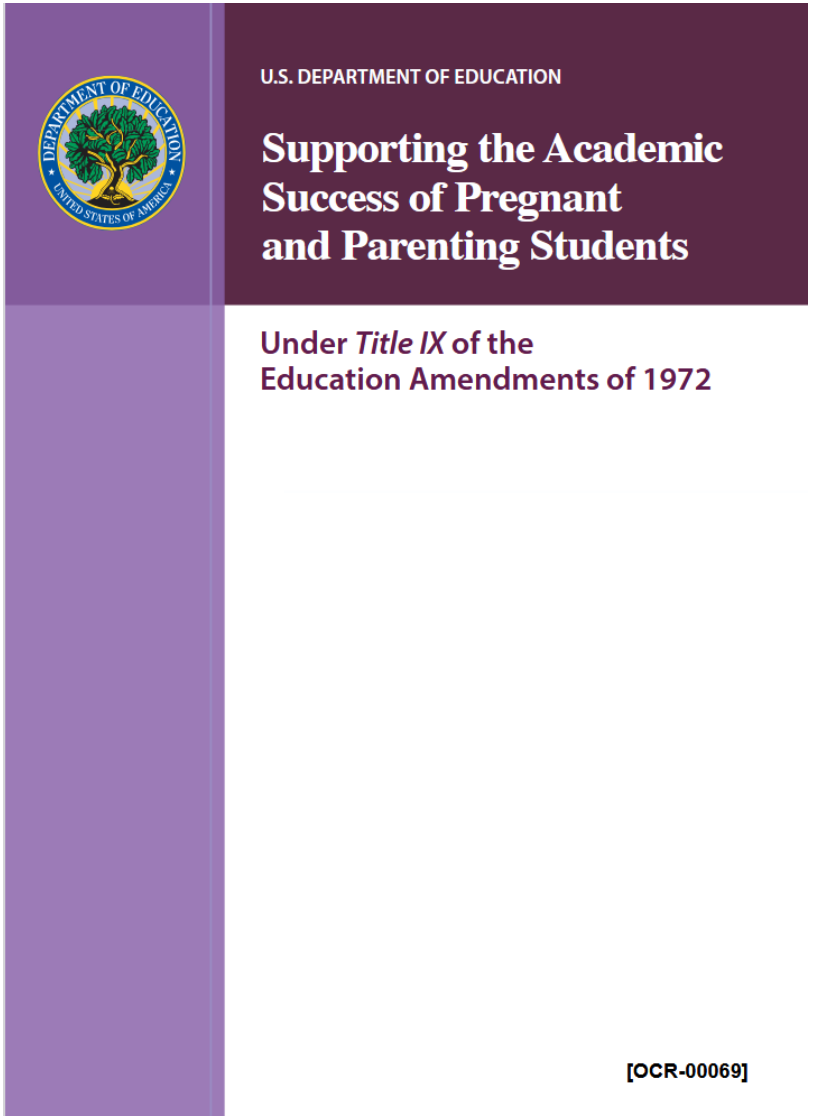
Access to Programs

Students cannot be excluded from school or treated differently on the basis of pregnancy. This includes

- Cannot be denied program access based on pregnancy
- Must be provided reasonable accommodations
- Allowed leaves of absence

34 CFR 106.40(b)(1)

Supporting the Academic Success of Pregnant and Parenting Students (2013)



Reasonable Adjustments

"To ensure a pregnant student's access to its educational program, when necessary, a school must make adjustments to the regular program that are reasonable and responsive to the student's temporary pregnancy status. For example, a school might be required to provide a larger desk, allow frequent trips to the bathroom, or permit temporary access to elevators."

Supporting the Academic Success of Pregnant and Parenting Students (2013)

More examples of adjustments:

- Allowing the student to sit, stand, or carry water
- Periodic excused absences for medical appointments
- Providing a larger desk or larger uniforms
- Excusing the student to breastfeed or express breast milk

Separate Programs

"A school may offer separate programs or schools for a pregnant student, but participation in those programs or schools must be completely voluntary."

Guidance, 2013 (citing 34 CFR 106.40(b)(3))



Photo by ThisIsEngineering on Unsplash

Certification to Participate

"Schools cannot require a pregnant student to produce a doctor's note in order to stay in school or participate in activities, including interscholastic sports, unless the same requirement to obtain a doctor's note applies to all students being treated by a doctor. That is, schools cannot treat a pregnant student differently from other students being cared for by a doctor, even when a student is in the later stages of pregnancy; schools should not presume that a pregnant student is unable to attend school or participate in school activities."

Guidance, 2013 (citing 34 CFR 106.40(b)(2))

Absences

"Title IX requires a school to excuse a student's absences due to pregnancy or related conditions, including recovery from childbirth, for as long as the student's doctor deems the absences to be medically necessary.

When the student returns to school, **they must be reinstated to the status she held when the leave began, which should include giving her the opportunity to make up any work missed**. A school may offer the student alternatives to making up missed work, such as retaking a semester, taking part in an online course credit recovery program, or allowing the student additional time in a program to continue at the same pace and finish at a later date, especially after longer periods of leave. The student should be allowed to choose how to make up the work."

Supporting the Academic Success of Pregnant and Parenting Students (2013)

34 CFR 106.40(b)(5)

Scenario:

Pregnant Student Access



photo from A. C.; Unsplash.com

Sally, a senior in high school, tells their school counselor that they recently had a child and need to take time off during the day to pump breast milk. Sally is also worried about missing calculus and track practice due to necessary post-natal medical appointments and is afraid the track coach will cut them from the team for missing practice. Sally asks the counselor what accommodations and protections are available under Title IX to ensure their education and extracurricular participation stay on track.

Under Title IX, what must the school do for Sally?

Focus Area:
Sexual Harassment

Jurisdictional Requirements

Schools must respond to sexual harassment that occurs within an “education program or activity” of the school:

For the purposes of this section, §§ 106.30, and 106.45, “education program or activity” includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs…

34 CFR 106.44(a)

If it did not occur within the education programs or activities of the school, it must be dismissed (under Title IX):

If the conduct alleged… did not occur in the recipient's education program or activity, or did not occur against a person in the United States, then the recipient must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under title IX…

34 CFR 106.45(b)(3)(i)

Title IX Sexual Harassment

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

(1) 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;
(2) 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
(3) ''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).

34 CFR 106.30(a) "Sexual harassment"

Prong 1: Quid Pro Quo Harassment

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;

34 CFR 106.30(a) "Sexual harassment"

If any sexual harassment involves a student complainant and employee respondent:

In addition to **mandatory reporting**, whenever an employee, agent, contractor or volunteer engages in **sexual conduct** involving a student, it must be reported to DHS, law enforcement, TSPC, or ODE (depending on conduct and licensure).

Prong 2: Hostile Environment

Unwelcome conduct of a sexual nature 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.

Subjective:

1. Unwelcome - evidence the behavior was not consensual

Objective Reasonable Person:

2. Severe - how harmful or egregious
3. Pervasive - how often or how widespread (more than one instance)
4. Objectively Offensive - reasonable person in the complainant's shoes would find it offensive (taking into account individual factors)
5. Denies Equal Access - access is different (unequal) to a person who has not experienced harassment; does not require complete exclusion

Source: Preamble to the 2020 Regulations, p. 30148-30171

Prong 3: Clery and VAWA Offenses

Sexual assault is broadly defined as sexual contact without consent, including

- rape
- criminal sexual conduct
- statutory rape

Stalking is a pattern of behavior directed at a specific person designed to make them experience fear of harm or emotional distress.

Domestic Violence and Dating Violence both include:

- physical violence
- sexual violence/abuse
- threats of harm/violence/abuse

Domestic Violence is committed by someone the victim was married to, living with, shares a child with, or in a similar situation with.

Dating Violence includes romantic, sexual, and intimate relationships more broadly

Is it Title IX?

For each example, decide if it falls under:

- Prong 1 (quid pro quo)
- Prong 2 (severe, pervasive, and objectively offensive)
- Prong 3 (sexual assault, domestic violence, dating violence, stalking)
- None of the above

Amina, an 8th grade student, refuses to go to school one day. She tells her mom that one of the boys on her school bus has been telling other students he has photos of Amina topless, and will show them to other students for $10. Amina is confident he doesn't have any photos, but she's worried other students believe this boy.

Hannah is on her high school's wrestling team. Her parents report to the school that the assistant wrestling coach has been inappropriately touching Hannah during practice, and sending her inappropriate messages on Snapchat late at night. Yesterday after practice, the coach followed Hannah to her car and offered to connect her with college scouts in a way that Hannah perceived as threatening.

The 2020 Regulations: Personnel Requirements

Title IX Coordinator

Investigator

Decision-Maker

Appeals Decision-Maker

The Title IX Coordinator may also serve as the Investigator.

In each case the Investigator, Decision-Maker, and Appeals Decision-Maker must be different people.

The Decision-Maker and Appeals Decision-Maker CANNOT be the Title IX Coordinator.

Personnel Training Requirements

Training Requirements	Title IX Coordinator	Investigator	Decision-Maker	Appeals Decision-Maker	Informal Process Facilitator
Definition of sexual harassment	X	X	X	X	X
Scope of “educational program or activity”	X	X	X	X	X
How to conduct the applicable portions of the grievance process	X	X	X	X	X
Avoiding prejudgment of facts, conflicts of interest, and bias	X	X	X	X	X
How to create a fair investigative report		X			
Any technology used at hearings			X	X	
Issues of relevance for questions and evidence			X	X	

Responding to Complaints: Sexual Harassment

Sex Discrimination Complaint Policies

"A recipient must adopt and publish grievance procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by this part and a grievance process that complies with § 106.45 for formal complaints as defined in § 106.30."

Title IX, 34 CFR 106.8(c)

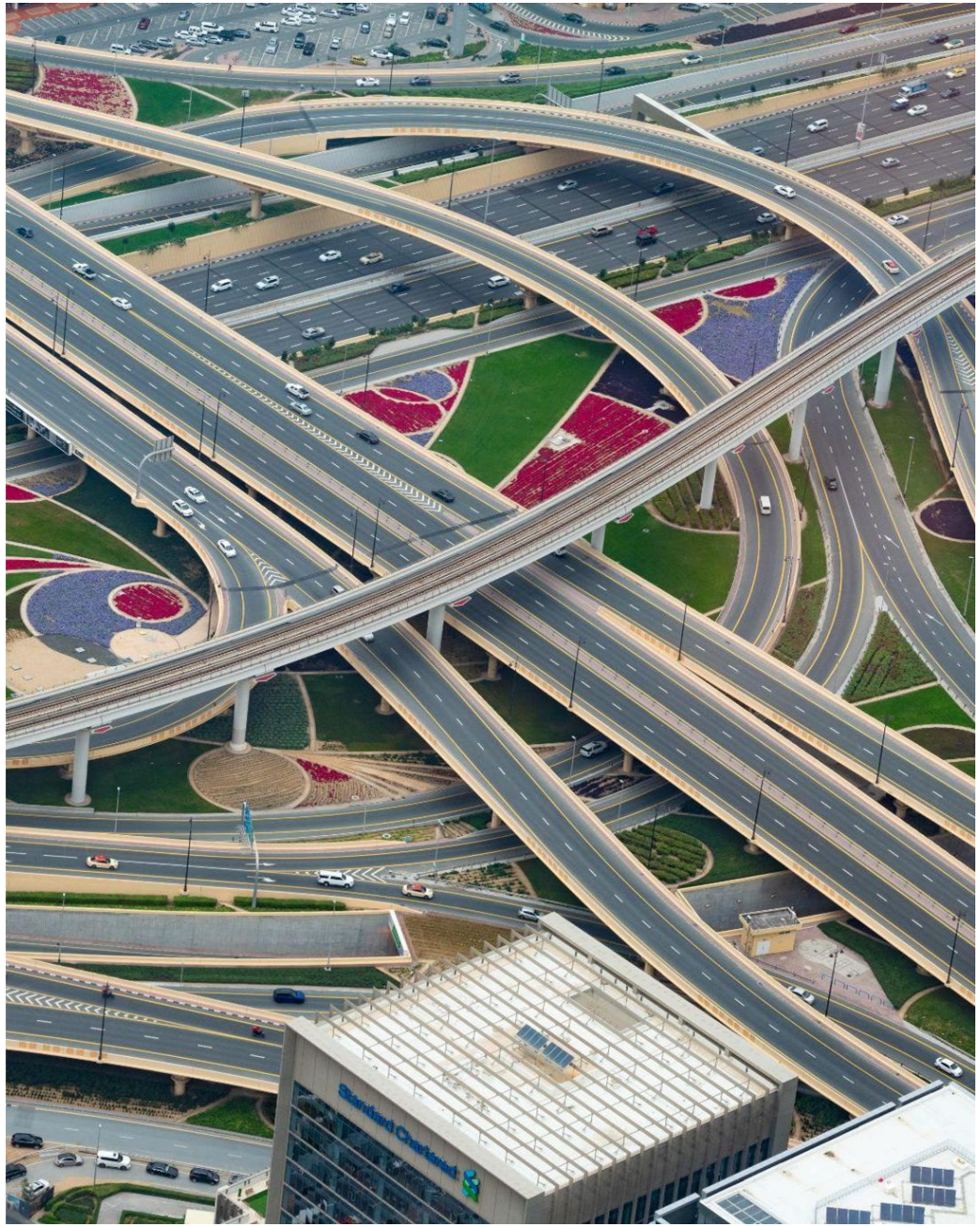
- Most schools chose to adopt a policy/procedure that addresses sex discrimination broadly, and a separate policy/procedure for the adjudication of sexual harassment complaints under Title IX
- Most commonly in Oregon public K-12 schools, schools adopt a broad nondiscrimination policy/procedure that addresses all protected class discrimination, including sex discrimination.

Supportive Measures

- Required in regulation after notice of sexual harassment for complainants **and** respondents
- Generally considered a best practice for impacted individuals in other sex discrimination reports

"…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 recipient's education program or activity without unreasonably burdening the other party, including measures designed to **protect the safety of all parties or the recipient's educational environment, or deter sexual harassment**."

34 CFR 106.30(a)



1. Actual Notice and Supportive Measures
2. Formal Complaint
3. Investigation
4. Decision-Making
5. Appeals
6. Sanctions and Remedies
7. Wrap-up and Compliance

1 Actual Notice and Supportive Measures

Whenever any school employee has knowledge of possible sexual harassment, the school is "on notice" and must respond:

- outreach to complainant
- provision of **supportive measures,** which are "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."
- can engage in emergency removal

Overlap your Oregon-specific processes:

- mandatory reporting
- Oregon sexual harassment law "notification of rights and options"
- bullying and harassment parental notification

2 Formal Complaint

Once a formal complaint has been filed, the Title IX grievance process begins.

- Schools must issue a **Notice of Allegations**
- Participants now have the option to opt into an informal process
- Schools may put employees on administrative leave

3 Investigation

Investigating the allegations of sexual harassment under Title IX involves:

- Interviewing parties
- Gathering and reviewing evidence
- Writing and Issuing the **Investigation Report**

4 Decision-Making

The decision-maker(s) take the evidence from the investigation and:

- Conduct the “modified cross-examination” process
- Independently review the investigation report and evidence
- Determine responsibility and sanctions
- Write and issuing the **Determination of Responsibility**

5 Appeals

Appeals must be allowed on procedural irregularity, newly discovered/available evidence, or allegations of bias/conflict of interest.

If an appeal is submitted, the appeals decision-maker(s) will independently review the investigation, determination, and any newly submitted statement and evidence and write the **Appeal Determination.**

6 Sanctions and Remedies

Once the results of the grievance process are finalized, the school must implement sanctions and remedies.

- **Sanctions** are disciplinary or other measures imposed on a respondent found responsible.
- **Remedies** are measures designed to restore educational access for the complainant and remedy any harm caused.

7 Wrap-Up and Compliance

The final steps of the process ensure the everything is finalized and the school has met the standards of compliance, including:

- Ensuring confidentiality
- Recordkeeping
- Debriefing and review

Recordkeeping Requirements

A recipient must maintain for **a period of at least seven years**:

- For every notice of sexual harassment, a record of supportive measures provided and why the response was not deliberately indifferent
- For each complaint of sexual harassment, a record of the investigation process, including any appeals, and any informal resolutions utilized
- All materials used to train the Title IX Coordinator. These materials must also be posted to the school/district website

34 CFR 106.45(b)(10)

Title IX SH Grievance Process: Important Notes

- The Title IX sexual harassment grievance process looks different from most typical K-12 disciplinary processes; ***all sexual harassment must be identified quickly and routed through the Title IX process***.
- Schools cannot impose any discipline on a respondent before the conclusion of the grievance process or informal resolution process.
  - The exception is emergency removals, but these require a specific process.
- Complainants and respondents are afforded specific rights in the Title IX process, including the right to specific information and due process protections. This includes information about other students involved and does NOT violate FERPA.
- Persons conducting the grievance process must receive specific training and be free from bias and conflict of interest.

Responding to Complaints: Sex Discrimination

Reporting Sex Discrimination

Schools may become alerted to sex discrimination in a variety of ways:

Parents meeting with an elementary Principal mention that their child's teacher regularly divides the students into boys and girls groups when he needs to split the students up for play/learning time.

An anonymous Instagram account is getting media attention for posting stories of students experiencing sexual harassment at the local middle school. Employees email the news stories to each other and discuss the account together.

A group of senior girls document inequitable facilities between boys and girls sports and present it to their class for their senior project.

A grandparent files a public complaint with the school board stating that her granddaughter was forced to enroll in the alternative school because she disclosed her pregnancy.

Response Obligations

A recipient must adopt and publish:

- grievance procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by this part, and
- a grievance process that complies with § 106.45 for formal complaints as defined in § 106.30 (sexual harassment)

34 CFR 106.8(c)

For most Oregon schools, this includes:

- A nondiscrimination complaint process
- A sexual harassment complaint process

Sex Discrimination Reports

Reports of discrimination may not come through a formal complaint procedure:

- They may be orally reported
- They may be sent via email
- They may be observed by others

Reports of discrimination may be disguised as:

- Public complaints
- Reports of bullying

***Tip**: If a protected class may be involved, consider the possibility that it may be discrimination.*



Image by Nick Youngson CC BY-SA 3.0 Alpha Stock Images

Supportive Measures and Safety Plans

Whenever a school receives notice of possible sex discrimination, consider whether supportive measures (and/or safety plans) are needed to immediately address any impacts of the alleged discrimination.

- Supportive measures are non-disciplinary measures that are designed to restore or preserve educational access before, during, or after a complaint of sex discrimination.
- In the context of educational discrimination, we use “safety plan” to mean a comprehensive list of supportive measures and other strategies to address the physical and mental safety measures a student needs to continue to access their education.
- The exact term your school/district uses doesn’t matter. What matters is the support.

Discrimination Complaint Process Basics

Consider all incidents of potential discrimination, regardless of how it's reported.

Ensure policies and procedures are clear, accessible, and implemented to fidelity.

Investigate any potential discrimination concerns.

Eliminate and remedy any hostile environment.

Address ongoing concerns and monitor campus environment.

Oregon's Requirements: Local Complaint Policies and Procedures

Discrimination complaint policies and procedures should include:

- Definitions (what protected classes are covered)
- Time limits (for submitting complaints, expected response time, etc.)
- The steps of the process (levels/appeals, no more than four steps)
- A written final decision

Each school district must establish a process for the prompt resolution of a complaint by:

- A person who resides in the district;
- Any parent or guardian of a student who attends school in the district; or
- Any person who alleges that they have been subjected to discrimination, or a third party representing such persons or groups of persons.

OAR 581-022-2370

Complaint Timelines

Oregon administrative rules require schools to specify a timeline for the process, including at each step. OAR 581-022-2370

Extensions can be granted for good cause.

- Make sure to communicate any timeline extensions to parties.

Keep in mind: ODE may accept appeals of complaints if they are not resolved within specific periods of time (30 days at any one step, 90 days for full process).

Requirements for Written Decisions

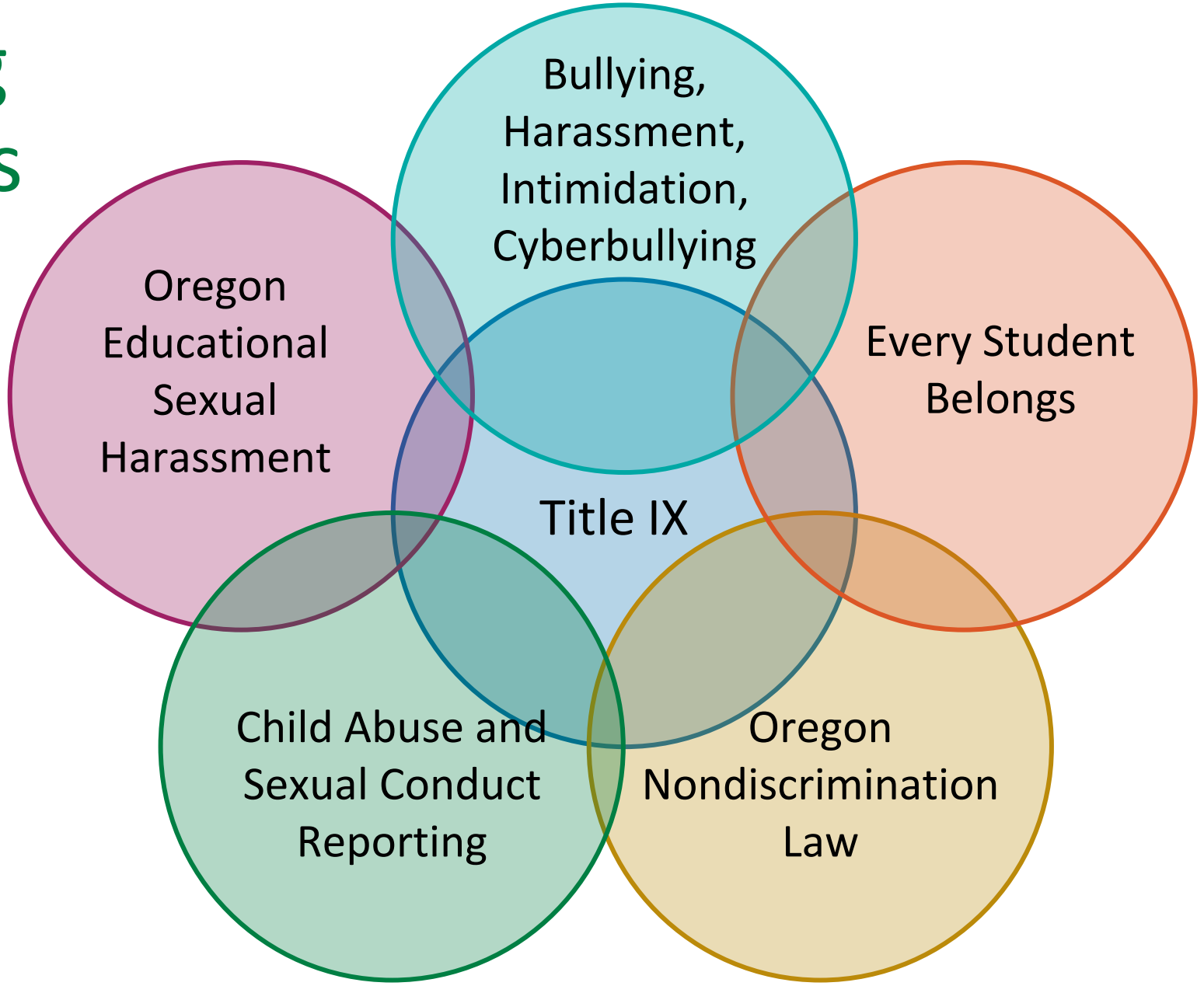
OAR 581-022-2370(4)(b) requires a written final decision:

> *A final decision in **written or electronic form** that addresses each allegation in the complaint and contains reasons for the district's decision and notifies the complainant that the district's decision may be appealed to the Deputy Superintendent of Public Instruction under OAR 581-002-0023.*

A determination becomes final once the appeal window has passed (if no appeal received), or once a final decision has been issued at the final level of appeal.

Overlapping Oregon Laws

Overlapping Oregon Laws

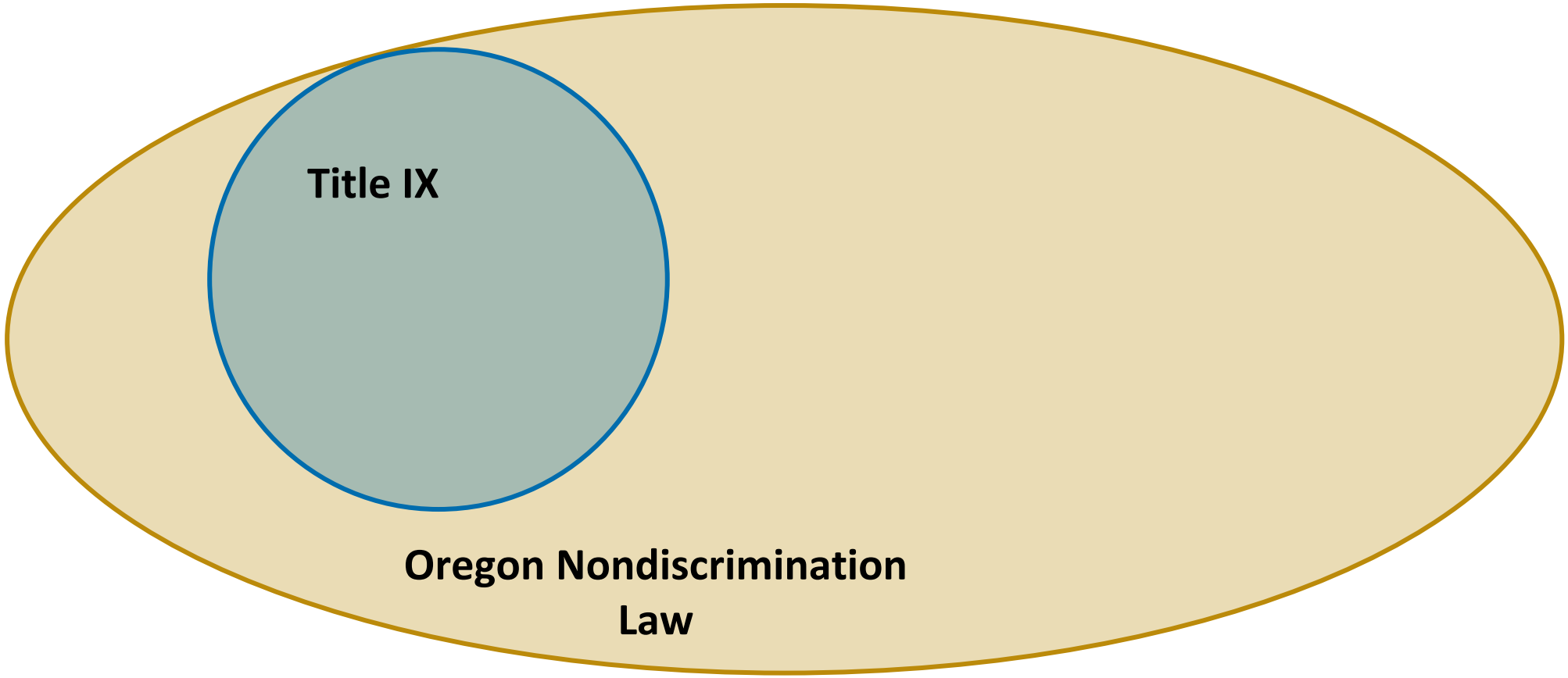


Oregon's Nondiscrimination Law

"Discrimination" means any act that unreasonably differentiates treatment, intended or unintended, or any act that is fair in form but discriminatory in operation, either of which is based on race, color, religion, **sex**, sexual orientation, gender identity, national origin, immigration or citizenship status, marital status, age or disability.

ORS 659.850(1)(a)(A)

- Schools must adopt nondiscrimination policies in compliance with OAR 581-021-0045
- In most cases, this will be the policy used to respond to sex discrimination that is not sexual harassment.


Title IX
Oregon Nondiscrimination Law

Oregon Sexual Harassment Definition

Sexual harassment includes:

- A demand or a request for sexual favors in exchange for benefits.
- Unwelcome conduct of a sexual nature that is physical, verbal, or nonverbal and that:
  - (I) Interferes with a student's educational activity or program;
  - (II) Interferes with a school or district staff member's ability to perform their job; **or**
  - (III) Creates an intimidating, offensive, or hostile environment
- Assault, when sexual contact occurs without a person's consent.

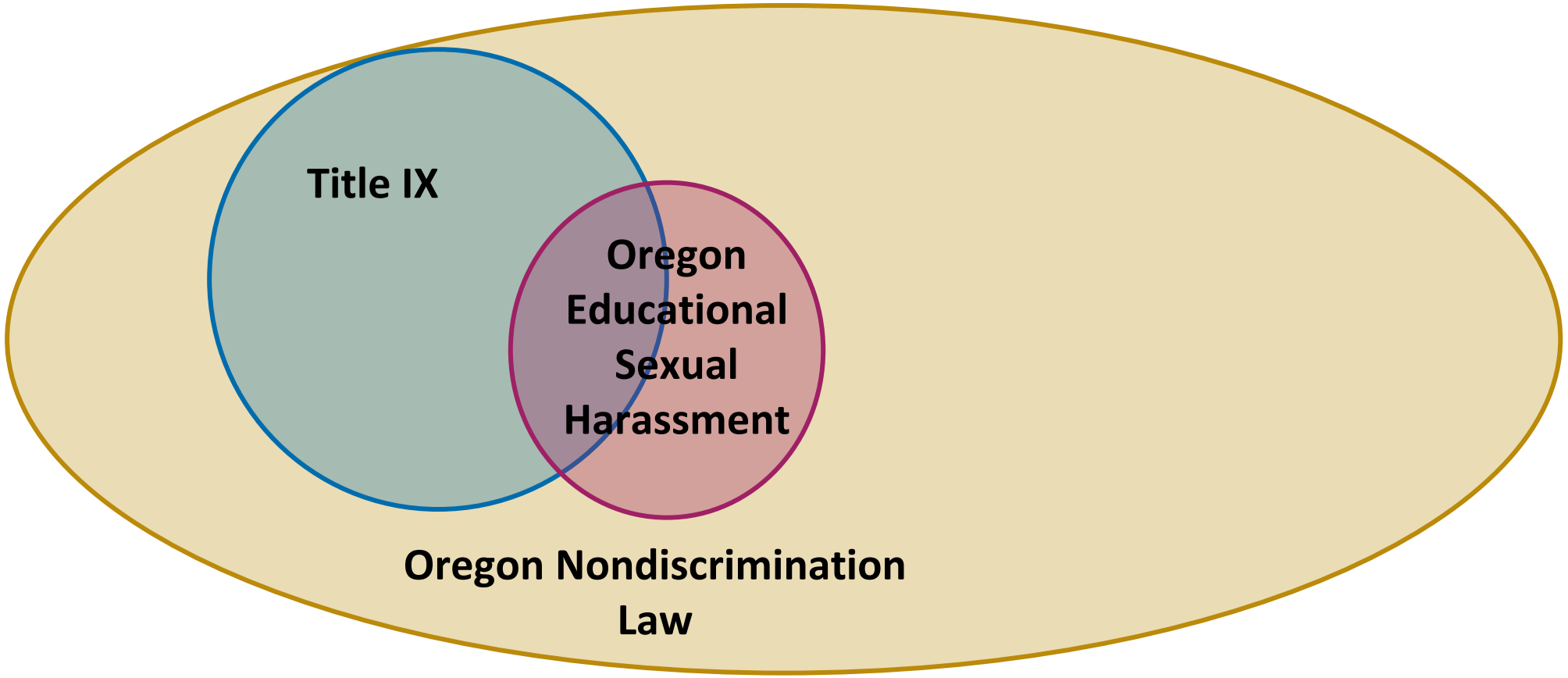
ORS 342.704(3)(b)

Without consent means an act performed: Without the knowing, voluntary and clear agreement by all parties to participate in the specific act; or

- (A) When a person who is a party to the act is:
  - (i) Incapacitated by drugs or alcohol;
  - (ii) Unconscious; or
  - (iii) Pressured through physical force, coercion or explicit or implied threats to participate in the act.

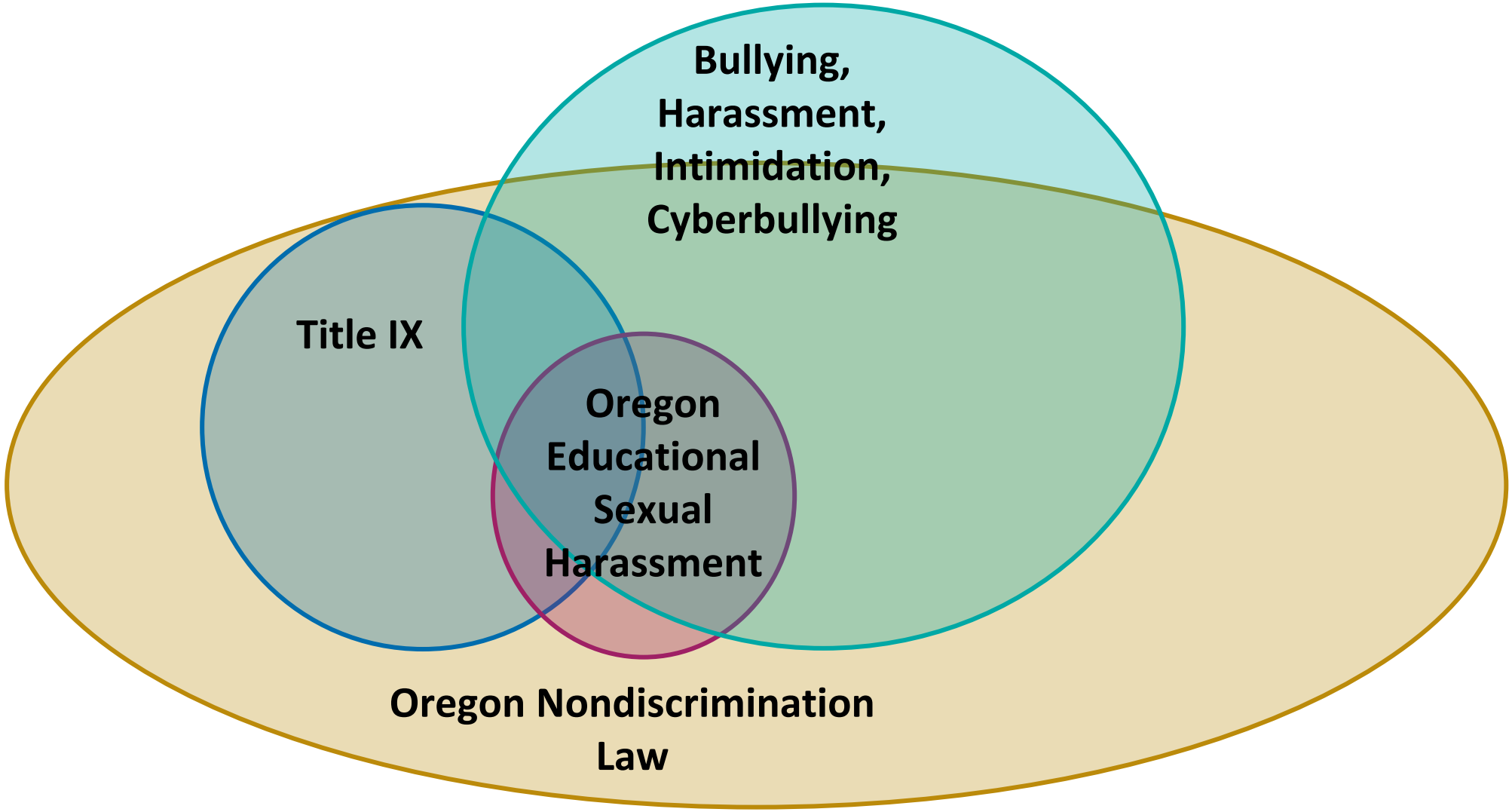
OAR 581-021-0038

Title IX Sexual Harassment	Oregon Sexual Harassment
Prong 1	
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.	A demand or a request for sexual favors in exchange for benefits.
Prong 2	
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.	Unwelcome conduct of a sexual nature that is physical, verbal, or nonverbal and that: (I) Interferes with a student's educational activity or program; (II) Interferes with a school or district staff member's ability to perform their job; or (III) Creates an intimidating, offensive, or hostile environment
Prong 3	
Sexual assault, dating violence, domestic violence, and stalking.	Assault, when sexual contact occurs without a person's consent.


Title IX
Oregon Educational Sexual Harassment
Oregon Nondiscrimination Law

Bullying, Harassment, Intimidation, Cyberbullying

- Substantially interferes with a student's educational benefits, opportunities, or performance;
- Takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation or at any official school bus stop;
- Has the effect of:
  - Physically harming a student or damaging a student's property
  - Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student's property; or
  - Creating a hostile environment, including interfering with the psychological well-being of a student; and
- May be based on, but not limited to, the protected class status of a person


Bullying,
Harassment,
Intimidation,
Cyberbullying
Title IX
Oregon
Educational
Sexual
Harassment
Oregon Nondiscrimination
Law

Sexual Conduct and Child Abuse Reporting

"Sexual conduct" means verbal or physical conduct or verbal, written or electronic communications by a school employee, a contractor, an agent or a volunteer that involve a student and that are:

(A) Sexual advances or requests for sexual favors directed toward the student; or

(B) Of a sexual nature that are directed toward the student or that have the effect of unreasonably interfering with the student's educational performance, or of creating an intimidating or hostile educational environment.

Child Abuse mandatory reporting includes:

- Neglect
- Physical abuse
- Mental injury
- Sexual abuse
- Threat of harm

ORS 339.370

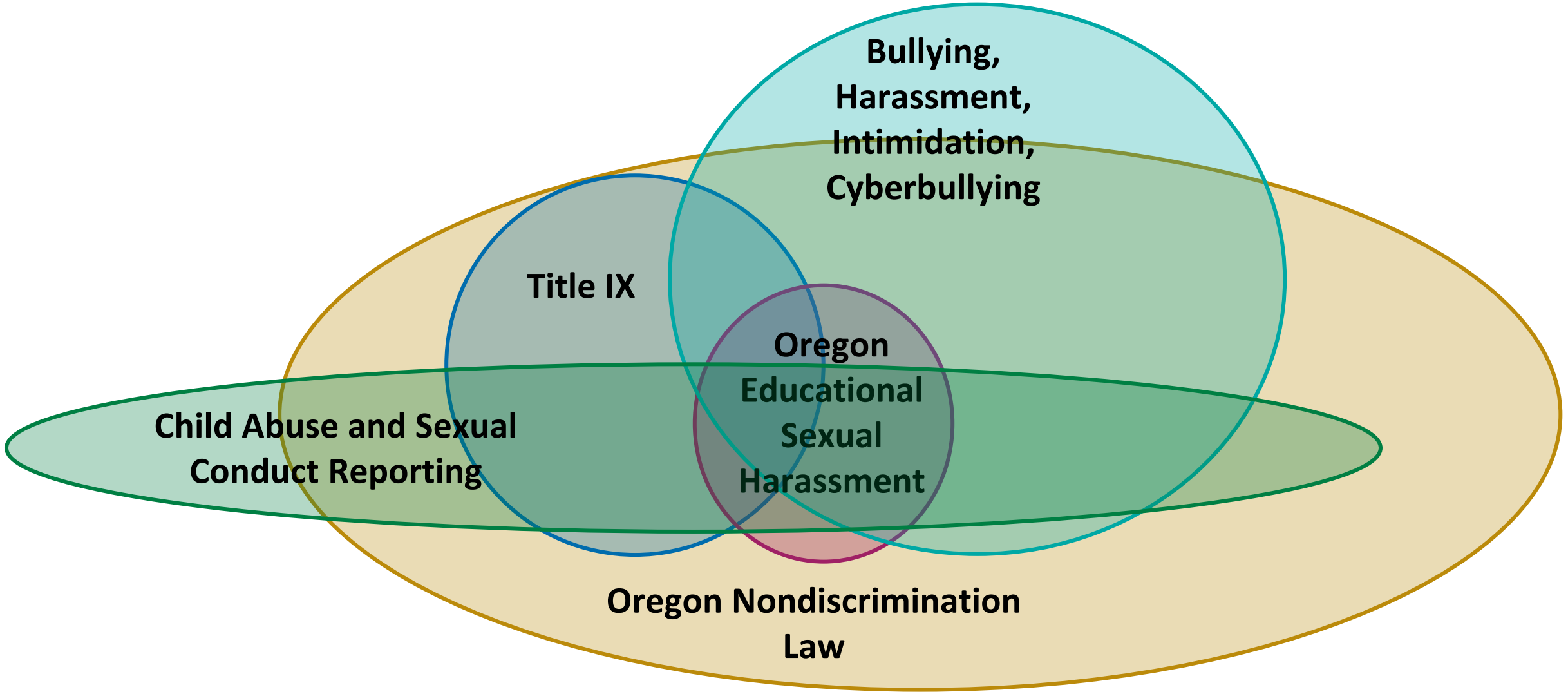
Sexual Conduct and Child Abuse Reporting

Child abuse and sexual conduct must be reported to law enforcement, DHS, TSPC, and/or ODE (depending on conduct and licensure status).

If the reported behavior is sexual conduct or abuse AND Title IX sexual harassment, the processes must be overlayed.

- Title IX's sexual harassment process allows for reasonable, temporary delays for law enforcement or DHS investigations

Reporting to law enforcement, DHS, ODE, and/or TSPC does NOT absolve the school of their Title IX responsibilities.


Bullying,
Harassment,
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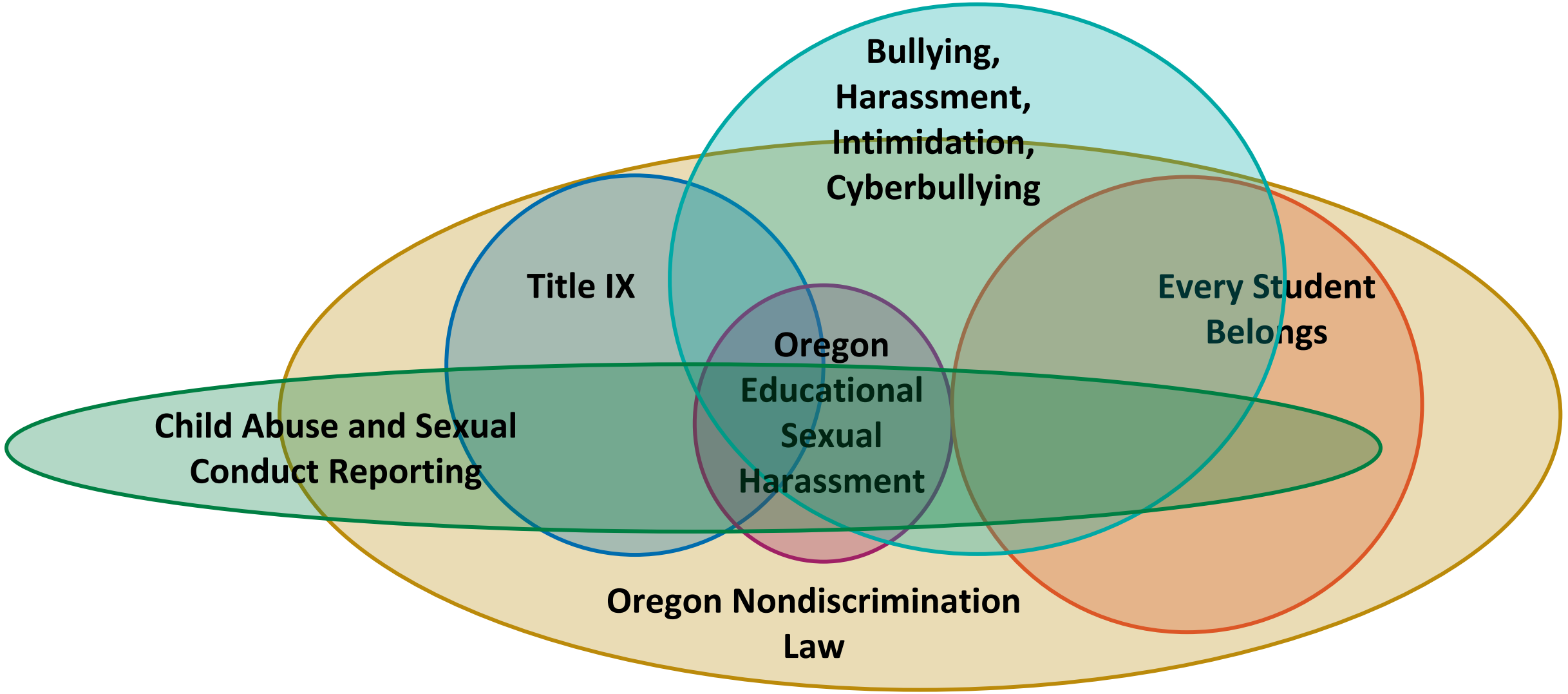
Every Student Belongs

In compliance with OAR 581-022-2312, schools must:

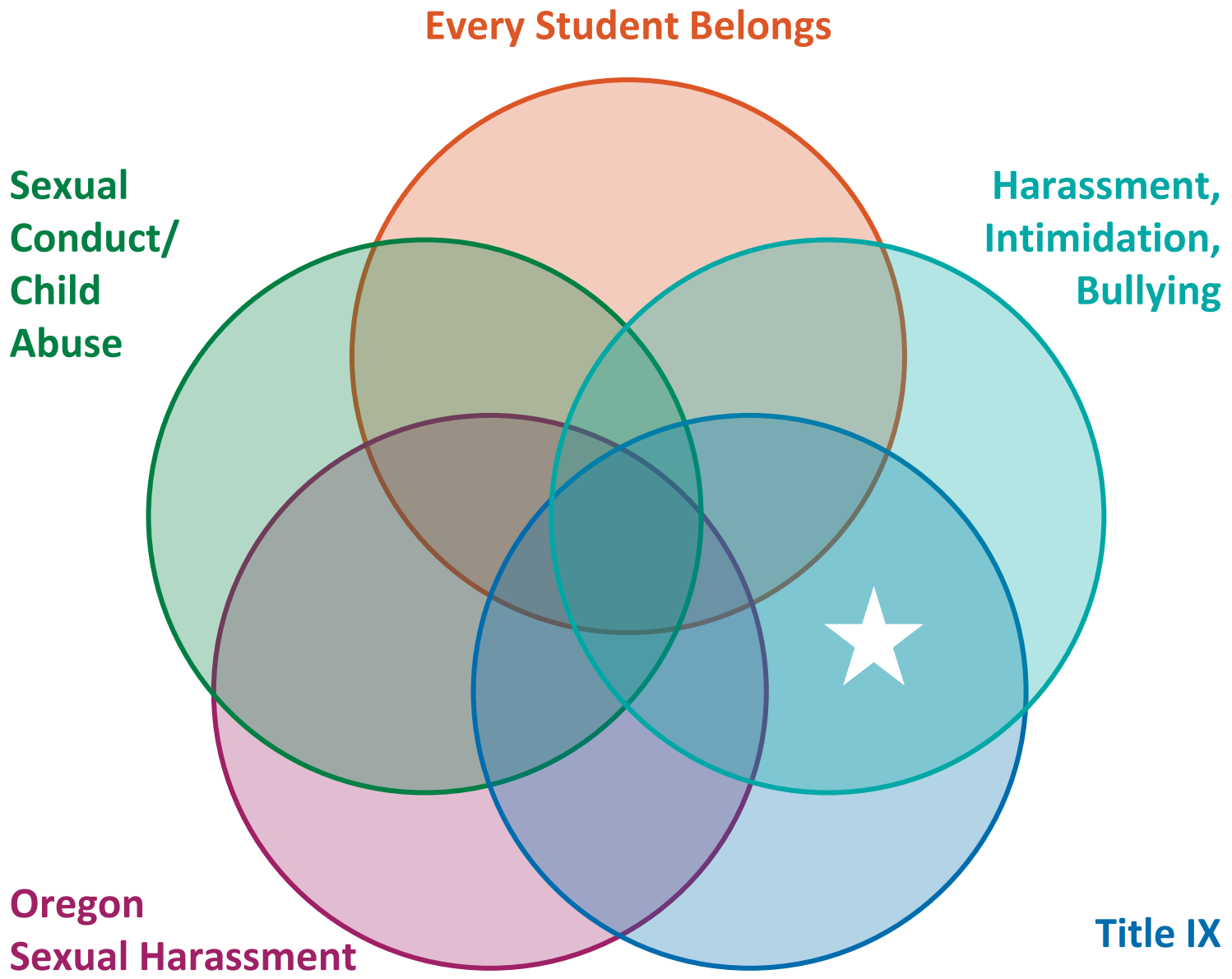
- prohibit symbols of hate
- adopt a policy for addressing bias incidents and symbols of hate

"Bias Incident" means a person's hostile expression of animus toward another person, relating to the other person's perceived race, color, religion, gender identity, sexual orientation, disability or national origin, of which criminal investigation or prosecution is impossible or inappropriate.

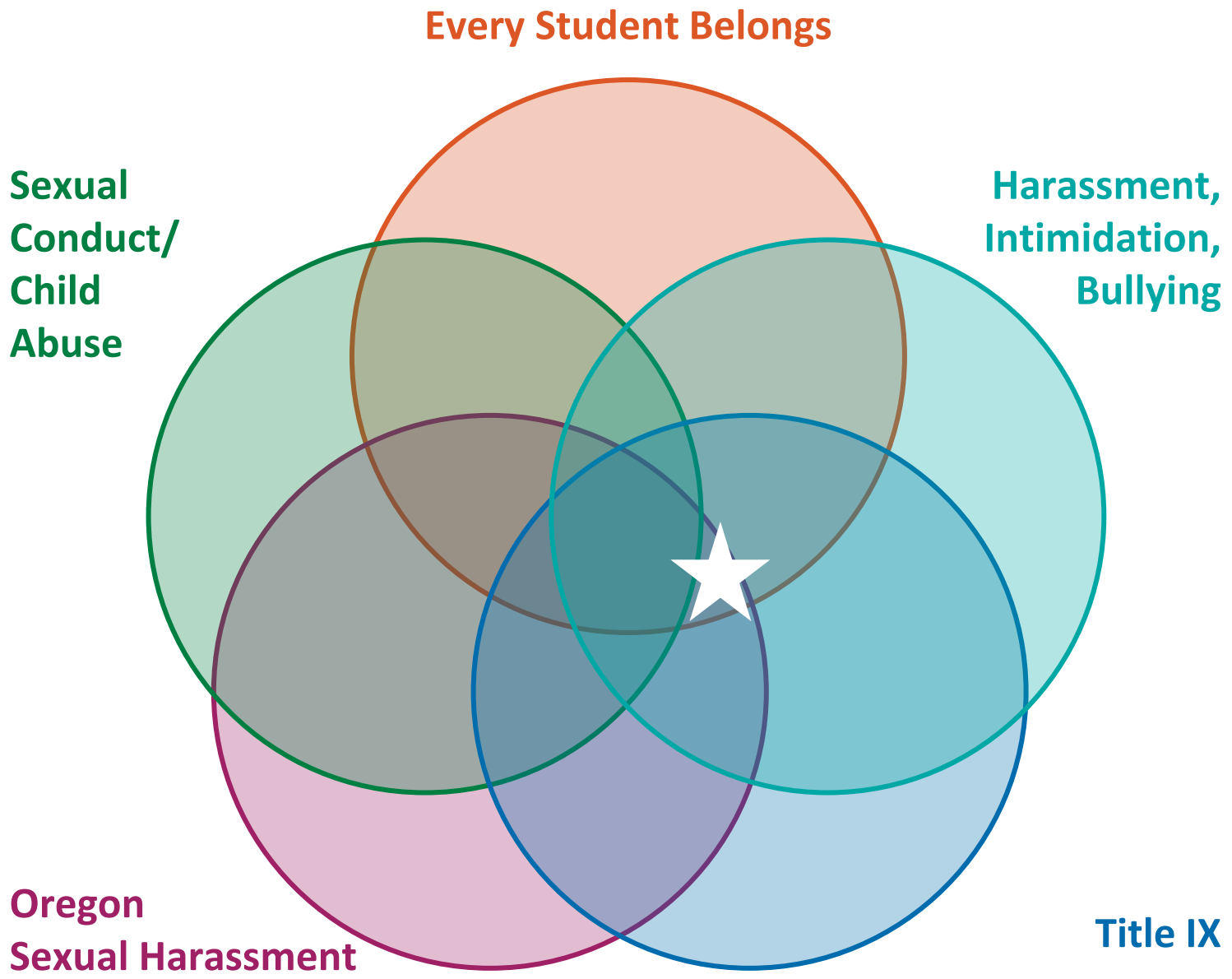
"Symbol of Hate" means nooses, symbols of neo-Nazi ideology or the battle flag of the Confederacy.


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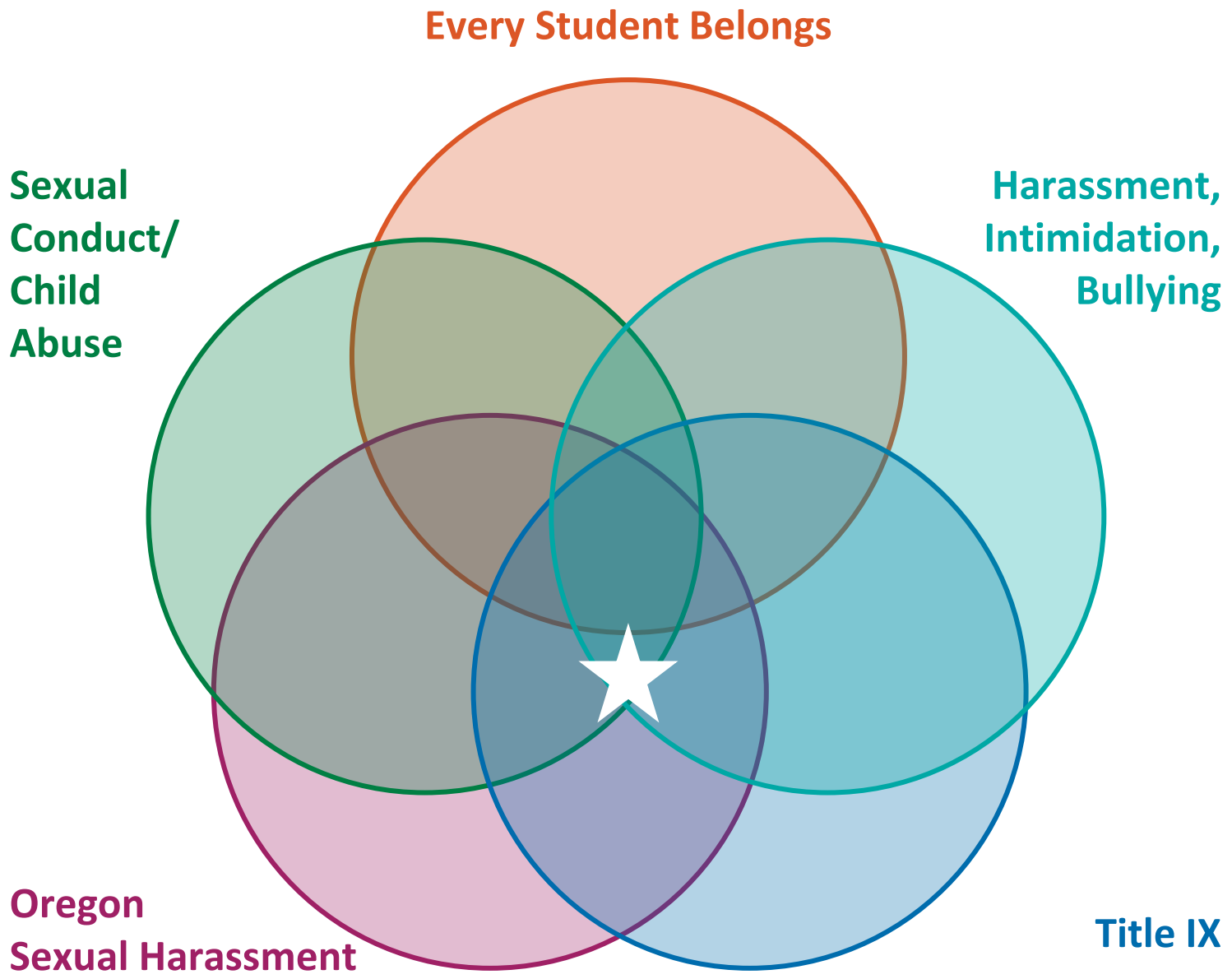
A pregnant tenth grade student is being repeatedly teased and harassed by her peers. Other students tell her she's going to drop out and will never graduate, and put basketballs under their shirts to mock her. Students refuse to work with her on class group work and attach a "wide load" sign to her backpack without her knowledge.



An anonymous Instagram account posts pictures of a sixth grade transgender girl taken in the hallways and classrooms at school. The account uses transphobic slurs and dissects whether she is “really a boy” by discussing what they can tell about her body parts, including breasts and genitals, from the photos.



Two third graders are playing at recess. One of them takes a stick and starts poking the other student's bottom saying "this is my penis." He attempts to poke the stick up the other student's skirt and insert it into her anus.



Legal and Legislative Updates

Oregon Legislative Session

SB 867

SB 867, Section 1 provides ODE with authority to order an additional type of sanction in discrimination cases. Specifically, it allows ODE to order a student-specific sanction where discrimination against a student has occurred.

Authorizes ODE to order public schools to recompense students for loss of educational services or extracurricular activities as a result of discrimination, either by:

- Directly providing those lost services or activities to the student, or
- Reimbursing the student or parent for reasonable costs incurred in securing comparable services or activities

ODE authority under the bill is limited:

- Only applies in discrimination cases (does not apply to the other types of cases that the Complaint & Appeals Resolution Unit handles).
- Only applies to students

The law took effect on January 1, 2026.

SB 1538

Senate Bill 1538

Schools are prohibited from discriminating based on immigration or citizenship status. It mandates that districts implement model policies—prepared by the state Attorney General—to govern how school officials respond to law enforcement requests involving immigration enforcement on campus. This also changes protected classes in Oregon from 10 to 12, to include immigration and citizenship status.

Effective Date July 1, 2026

Federal Court Update

Supreme Court Cases

WEST VIRGINIA v. B. P. J.

And

LITTLE v. HECOX

- Held: Title IX allows schools to provide separate women's and men's sports teams defined by "biological sex."
- Held: West Virginia and Idaho did not violate the Equal Protection Clause of the Fourteenth Amendment by maintaining female sports teams for "biological females."

Takeaways

- Title IX gives specific guidance for K-12 schools on athletics, single-sex programs, pregnancy and related conditions, and sexual harassment
- Several Oregon laws overlap with Title IX, including Oregon's sexual harassment law, bullying and harassment policies, and child abuse and sexual conduct reporting. Schools should overlap their policy and response requirements.
- The Title IX sexual harassment grievance process looks different from most typical K-12 disciplinary processes; ***all sexual harassment must be identified quickly and routed through the Title IX process***.
- CRCs (who are not also a Title IX Coordinator) should align practices with TIX personnel, and may need to get specific training to assist with investigations and other required responses.

Open Q&A

Upcoming Title IX Sexual Harassment Trainings

Title IX Sexual Harassment: Deep Dive

- ☐Thurs, Aug 20, 9:00 am-12:00 pm
- ☐Tues, Sept 15, 12:30-3:30 pm
- ☐Fri, Oct 30, 9:00 am-12:00 pm
- ☐Wed, Jan 27, 12:00-3:00 pm
- ☐Thurs, Apr 15, 12:30-3:30 pm

Title IX Sexual Harassment: Investigator

Requires Deep Dive Training Prerequisite

- ☐Thurs, Aug 27, 9:00-10:30 am
- ☐Tues, Sept 22, 12:30-2:00 pm
- ☐Fri, Nov 6, 9:00-10:30 am
- ☐Wed, Feb 3, 1:30-3:00 pm
- ☐Thurs, Apr 22, 12:30-2:00 pm

Title IX Sexual Harassment: Decision-Maker and Appeals

Requires Deep Dive Training Prerequisite

- ☐Thurs, Aug 27, 1:00-2:30 pm
- ☐Tues, Sept 22, 3:00-4:30 pm
- ☐Fri, Nov 6, 1:00-2:30 pm
- ☐Wed, Feb 3, 3:30-5:00 pm
- ☐Fri, Apr 23, 1:00-2:30 pm

Scan and Join!

Need to fulfill your Coordinator training requirements?

Seeking more information?

We have the listservs for you!

Title IX Listserv

Section 504 Listserv

Title VI Listserv

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971-673-2777