Lance LeVar Consulting

DIVERSITY IS A FACT. INCLUSION IS AN ACT.

Presentation Files

Bit.ly/LeVarPDF

Title IX

Investigator-Decision Maker Training

Fall 2026



About Me

- 20+ years in public education.
  - High school instrumental music director
  - Elementary Assistant Principal
  - High School Assistant Principal
  - Middle School Principal
  - District Administrator
  - State Support
    - Title IX
    - Section 504
    - Bullying Prevention
    - Minority Teacher and Administrator Recruitment
- Adjunct College Professor
  - Utah Valley State College
  - Provo College



2026

Not Legal Advice

This presentation is about the law, but it is not legal advice.

Office for Civil Rights (OCR)

United States Department of Education

- Provides **guidance** and **support** throughout U.S.
- Ensures **compliance** through reviews and investigations
- Ultimate **responsibility to enforce** education related civil rights laws, such at Title IX and Section 504

Office for Civil Rights (OCR)

Changes – Shared Services

- **OCR has statutory authority**
  - **Complaints/Allegations of Violations**
    - OCR has favored working with districts on voluntary resolutions
    - CRT leans into settlements and court actions
  - **Technical Assistance**
    - DOJ will provide TA at request of School Boards related to desegregation, *coping with special education problems occasioned by desegregation*
    - ED will work on policy guidance, rulemaking, notifications, etc.

U.S. Department of Education Press Release

What is Title IX?

CIVIL RIGHTS, ANTI-DISCRIMINATION LAW

§106.31 Discrimination prohibited

No person shall, **on the basis of sex**, be

- **excluded from participation in**
- **denied the benefits of**
- **subjected to discrimination**

under any academic, extracurricular, research, occupational training, or other education program or activity **operated by a recipient which receives Federal financial assistance**.

34 CFR § 106.31(a & b), 106.41(b)

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Athletics

May operate separate teams

- Selection for such teams is based upon competitive skill;
- Or activity involved is a contact sport.

Factors to consider regarding equity

- Sports selection and competition levels effectively accommodate the interests and abilities of both sexes
- Equipment, supplies, locker rooms and practice/competition facilities
- Scheduling of games and practice time
- Travel and per diem allowance
- Assignment of, compensation of and chance for coaching and academic tutoring
- Medical, training, housing and dining facilities and services
- Publicity

Must provide equal athletic opportunity for both sexes

34 CFR § 106.41

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Activities/ Academics

May have single-sex classes or extracurricular activities

- Based on the school's important objective:
  - To improve educational achievement of its students; AND
  - To meet particular, identified educational need(s) of its students
  - Implemented in an evenhanded manner
- Completely voluntary
- Periodic Evaluation - at least every 2 years

Provide a substantially equal extracurricular activity to excluded students in the same activity

34 CFR § 106.34(b)

Pregnancy/Parental Status

- **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.**
- **Shall not discriminate or exclude any student on the basis of**
  - student's pregnancy
  - childbirth
  - false pregnancy
  - termination of pregnancy or recovery therefrom.
- **Must allow student to return to the same academic or extracurricular status as before their medical leave began.**

34 CFR § 106.2, 34 CFR § 106.40(b), Supporting the Academic Success of Pregnant Students, pg. 5

"Support for Pregnant and Parenting Students Act"

AR Act 128

- **Excuse absences**
  - At least 10 days
  - Labor, delivery, and recovery, appointments, medically necessary pregnancy-related, child's illness or medical appointment, Legal appointment for adoption, custody, visitation, etc.
- **Ensure no academic penalty for use of any accommodations**
- **Provide information regarding child-care on or off campus**
  - Include high school provided child-care IF currently offered by a high school in the district
  - Include non-school related providers if no district high school offers
- **Provide lactation space**
  - Private and secure (Not restroom)
  - Place to safely store breast milk, including (without limitation)
- **Allow to make up work**
  - In a reasonable time >= number of days absent
  - Student chooses retaking, online, extend deadline 6 weeks, home-based instruction, additional district allowed options.

A.C.A. § 6-18-234

2026

Reporting Sex Discrimination

ANY PERSON

- may report to the Title IX Coordinator

ANY TIME

- during business and non-business hours

VERBAL OR WRITTEN

- in person, by mail, by telephone, or by email

34 CFR § 106.8(a-b)

District Website

Title IX Coordinator Contact Information

- Name
- Physical Address
- Email Address
- Phone Number
- Prominently displayed

Non-Discrimination Policy

- Prominently displayed

Training Materials

- Used in training Title IX Personnel

34 CFR §§ 106.8(a b), 106.45(b)(10)(B)

Retaliation

No recipient or other person may

- intimidate,
- threaten,
- coerce, or
- discriminate against any individual

For the purpose of interfering with any right or privilege secured by title IX or this part, or because the individual has

- made a report or complaint,
- testified,
- assisted, or
- participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part.

The following [also] constitutes retaliation:

- **charges** against an individual for code of conduct violations **that do not involve sex discrimination or sexual harassment**, but **arise out of the same facts or circumstances** as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment,
    - **for the purpose of interfering with any right or privilege secured by Title IX** or this part

34 CFR § 106.71

Sex Discrimination

Big Picture Law

Title IX Sexual Harassment

Form of Sex Discrimination

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Title IX Personnel

Title IX Coordinator

- Must be an employee and authorized to **coordinate** recipient's Title IX compliance
- Responsible for effective implementation of supportive measures and remedies
- Required to be readily available and accessible

Investigators

- Conduct investigations
- Write investigative reports

Decision Makers

- Evaluate evidence and apply the standard of evidence chosen by the recipient
- Determine if respondent is responsible for Title IX sexual harassment violations
- Determine remedies for complainants and discipline for respondents
- Makes either the written determination or the appeal decision.
    - Cannot be both the written determination and appeal decision maker nor the investigator or Title IX coordinator

Informal Resolution Facilitators

- Runs informal resolutions if the recipient chooses to offer them

34 CFR § § 106.44(a), 106.45(b)(5-8),106.8(a)

Required Training

Every Team Member

- Title IX definition of sexual harassment
- Scope of the recipient's education program/activity
- Conducting an investigation
- Grievance process
- Appeals
    - Impartiality
    - Prejudging facts
    - Conflicts of interest
    - Bias
- If recipient is offering
    - Hearings
    - Informal resolution

Investigators

- Issues of relevance
    - Evidence

Decision Makers

- Issues of relevance
    - Evidence
    - Questions
- Technology used in hearings (if conducting hearings)

34 CFR § 106.45(b)(1)(iii)

2026

Serving Impartially

All Title IX personnel must not have a...

- Conflict of interest
- Bias
  - For or against
    - Complainants or respondents generally
    - Individual complainant or respondent.

34 CFR § 106.45(b)(1)(iii)

Definitions

Complainant

- Individual who is alleged to be the victim of conduct that could constitute Title IX sexual harassment.

Respondent

- Individual who has been reported to be the perpetrator of conduct that could constitute Title IX sexual harassment.

Recipient

- Institution that receives Federal financial assistance.

34 CFR §§ 106.2(i), 106.3(a)

Title IX Sexual Harassment - Definition

Conduct On The Basis Of Sex That Satisfies One Or More Of The Following:

- **Quid Pro Quo**
  - 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;
- **Severe, Pervasive, AND Objectively Offensive (Hostile Environment)**
  - Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity;
- **Specific Offenses**
  - Sexual assault, dating violence, domestic violence, or stalking

34 CFR § 106.30(a)(1-3)

SEXUAL ASSAULT

- An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation (FBI).

DOMESTIC VIOLENCE

- Includes felony or misdemeanor crimes of violence committed by
  a) a current or former spouse or intimate partner of the victim,
  b) a person with whom the victim shares a child in common,
  c) a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
  d) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or
  e) 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.

DATING VIOLENCE

- 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.

STALKING

- 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.

34 U.S.C. §§ 12291(A)(8), 12291(A)(10), 12291(A)(36); 20 U.S.C. § 1092(F)(6)(A)(V)

Sexual Assault – NEW DEFINITIONS 23 June 2025

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 Rape.
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.
STATUTORY RAPE	Nonforcible sexual intercourse with a person who is under the statutory age of consent. There is no force or coercion used in Statutory Rape; the act is not an attack. [Law Enforcement Agencies] should classify an offense as Statutory Rape based on the state's Statutory Rape laws and the findings of the [Law Enforcement] investigation.
CRIMINAL SEXUAL CONTACT *(FORMERLY FONDLING)*	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.

National Incident-Based Reporting System (NIBRS) User Manual, pp. 58-62; 34 CFR § 106.30(a)

2026

Is it Title IX Sexual Harassment?

A young man repeatedly grabs and rubs his crotch whenever a young woman enters their English class.

Is it Title IX Sexual Harassment?

A student yells across the cafeteria calling another student a "THOT."

Is it Title IX Sexual Harassment?

5th grade boy purportedly placed a door stop in his pants and proceeded to act in a sexually suggestive manner toward 5th grade girl during physical education class.

Consent

- **The recipient must specify the definition of consent it will apply.**
  - Create/use a definition of consent that makes sense to you and your district.
    - Include situations where the **consent cannot be obtained/given** (i.e., coercion, incapacitation) and clearly define those situations
  - Make sure you can
    1. Explain it
    2. Apply it
- **The recipient must consistently apply that definition**
  - To both the complainant and the respondent
  - From one grievance process to another
- **These are individuals who cannot give consent**
  - National Incident-Based Reporting System (NIBRS)
    - Severely cognitively disabled persons
    - Incapacitated persons
  - Arkansas Law
    - Anywhere up to 21 years old depending on the conduct and the respondent's relationship to complainant.

"The assistant secretary will not require recipients to adopt a particular definition of consent with respect to sexual assault"

National Incident-Based Reporting System (NIBRS) Offense Definitions, pp. 6-7; 34 CFR § 106.30(a) ; ACA § 5-114-101, et al

Title IX Sexual Harassment - Jurisdiction

For the allegations to fall under Title IX sexual harassment...

- **Complainant** must be (either)
  - **Participating** in recipient's program
  - **Attempting to participate** in the recipient's program
- **Recipient has substantial control** over (both)
  - **Respondent**
  - **Context**
- The alleged **actions** must **occur** against a person **in the United States**

34 CFR § 106.45(b)(3)

Is it Title IX Sexual Harassment?

A student from another school in the district is at an evening extracurricular activity at your school. The student meets a student from your school and repeatedly sends text messages and calls asking for sexual favors.

Is it Title IX Sexual Harassment?

You receive a call from the parent of a student in a neighboring school district. The parent states that one of your students is constantly texting their child inappropriate pictures during the school day.

Actual Knowledge

ANY EMPLOYEE

- Who witnesses or is told of Title IX sexual harassment or allegations of Title IX sexual harassment

Must immediately contact the Title IX Coordinator

34 CFR § 106.30(a)

Actual Knowledge

Title IX Coordinator must

- Respond promptly
- Respond equitably
- Discuss supportive measures
- Explain formal complaint process

34 CFR § 106.44(a)

Supportive Measures

- **Restore or preserve** equal access
- **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)

Formal Complaint

Must be filed BEFORE investigation begins

- **Complainant Must Be Participating In Or Attempting To Participate in**
  - the education program or activity of the recipient with which the formal complaint is filed
- **Parent Or Guardian May File A Formal Complaint**
  - on behalf of complainant
- **"Document Filed By A Complainant" Means**
  - a document or electronic submission that contains the **complainant's physical or digital signature**, or otherwise indicates that the complainant is the person filing the formal complaint

34 CFR §§ 106.45, 106.30(a); 106.6(g)

Is it Title IX Sexual Harassment?

5th grade boy attempts to touch a 5th grade girl's breasts and genital area and makes vulgar statements such as ""I want to get in bed with you"" and ""I want to feel your boobs.""

Is it Title IX Sexual Harassment?

A student grabs another student's rear end in the hallway between classes.

Is it Title IX Sexual Harassment?

A substitute teacher, hired through a temp agency, is accused of only helping the young women who have low cut shirts and lean forward when working with them.

Guidelines

- **ENSURE BURDEN OF PROOF**
  - and burden of gathering evidence **rest on the recipient**
- **PROVIDE EQUAL OPPORTUNITY**
  - for parties to **present witnesses** and other **evidence**
  - for parties to **have others present** during any grievance proceeding
  - for parties to **inspect and review any evidence**
- **DO NOT RESTRICT**
  - the **ability of either party to discuss** the allegations under investigation or to gather and present relevant evidence
- **PROVIDE WRITTEN NOTICE**
  - to a party whose **participation is invited or expected**

34 CFR § 106.30(a), 106.6(g)

Grievance Process for Title IX Sexual Harassment

Investigation

2026

Notice of Allegations

Additional Allegations = New Notice of Allegations

Must be provided

- By the recipient
- To the parties who are known
- Upon receipt of a formal complaint

Requirements

- Contain notice of grievance process
- Contain notice of allegations of sexual harassment
    - Including sufficient details known
        - Identities of the parties
        - The conduct alleged
        - Date and location of the alleged incident
- State the respondent is presumed not responsible
- Inform parties that they may have an advisor of their choice
- Inform parties regarding false statements or false information

34 CFR §§ 106.30(a); 106.45(b)(2)(ii); 106.6(g)

Steps of Investigation

- Plan out the Investigation
- Interview Witnesses
- Present all Related Evidence
- Consider Written Responses
- Write Investigative Report

Plan out the Investigation

- Review Notice of Allegations
- Gather current evidence
- Determine a prelimary timeline of events
- Develop a proposed interview list
  - Get list of accommodations needed
    - SpEd, 504, ELL, etc.
- Determine the order of interviews

Interview Witnesses

- Provide a written notice to the Respondent or Complainant before interview
  - Include location, date, time and who will be present
  - Give sufficient time to prepare to participate

34 CFR § 106.45(b)(5)(v)

Notice of Title IX Investigative Interview

Dear SALUTATION:

As you are aware, the District has received a Formal Complaint alleging a Title IX sexual harassment involving your student. I plan to interview your student at the time and place provided below:

Date:
Time:
Location:
Participants:

You and/or an advisor for the student may accompany the student to the interview to observe the process. However, the student will be expected to respond to questions directly, as developmentally appropriate. While an advisor may attend the meeting, he/she may not question the student, others, or the investigator.

If any person attending the interview has a need for a disability accommodation, please let me know before the date of the interview.

You have the right to submit evidence for consideration. You may submit evidence to me via email, flash-drive, or hard-copy. For all evidence you submit, please retain the original and provide only a copy. Include your student's name and the date on all information submitted. Please keep in mind that before the issuance of my investigative report, both the Complainant and the Respondent will have the opportunity to review all related evidence and an opportunity to submit a written response.

If you have any questions regarding the interview, please contact me at PHONE or EMAIL.

Sincerely,

Is it Title IX Sexual Harassment?

A teacher who worked at your school last year, but is now employed by another school district is accused of sending text messages this year to many of the students at your school requesting "nudes."

Is it Title IX Sexual Harassment?

5th grade student allegedly rubs their body against another student in the school hallway in what the other student considered a sexually suggestive manner.

Interview Witnesses

- Provide a written notice to the Respondent or Complainant before interview
  - Include location, date, time and who will be present
  - Give sufficient time to prepare to participate
- Allow Respondent or Complainant to have an advisor present
- Discuss what information may be shared with others
- Explain the prohibition on retaliation

34 CFR § 106.45(b)(5)(v)

Title IX Sexual Harassment Witness Form

Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) is a federal law that prohibits discrimination based on sex in educational institutions that receive federal financial assistance. Students, employees, volunteers, and others may possess information relevant to making a determination of responsibility of a Formal Complaint of sexual harassment. However, no individual can be forced to participate in a Title IX sexual harassment investigation, nor may the district retaliate against any individual for participating in or refusing to participate in a Title IX sexual harassment investigation.

A witness may complete this form. If it is not developmentally appropriate for a student to complete this form, the investigator may interview the student and complete the form based on the student's responses.

Witness's Name: _____ School/ Work Location: _____
If employee, Job Title: _____

Please describe what you witnessed, where, and when. If you did not witness the incident, describe what you were told and when. (Identify: Who, What, When, and Where)
Does any record (physical or electronic) of this incident exist in your possession?
___ No
___ Yes If yes, please describe the record and its location:

Have you spoken to anyone else about what you witnessed?
___ No
___ Yes If yes, please provide their name and phone number:
Name: _____ Phone Number: _____
Format (xxx) xxx-xxxx
Name: _____ Phone Number: _____
Format (xxx) xxx-xxx

Present all Related Evidence

- Provide an opportunity for both parties to review and inspect the evidence.
  - Include evidence not being relied on to make a determination
  - Include **inculpatory** evidence (Respondent was involved)
  - Include **exculpatory** evidence (Respondent was NOT involved)
- Include evidence related to the investigation
  - Redact protected information if no written consent is given
    - Records maintained by:
      - Physician, Psychologist, Psychiatrist, Other professional/paraprofessional acting or assisting in [that] capacity
      - And are maintained in connection with treatment of party
  - May redact unrelated evidence
  - May NOT redact information just because it is confidential

34 CFR § 106.45(b)(5)(ii), (vi), (vii); Preamble to 2020 Rules

Title IX Complaint – Opportunity to Review Evidence

Dear Mr./Ms. :

You have the right to review any evidence obtained as part of the investigation of a Title IX sexual harassment allegation involving your student. Please contact me at (XXX) XXX-XXXX or [email] by [date] if you would like the opportunity to inspect and review the evidence.

The evidence may be provided in a format that prevents copying or downloading in order to protect the confidentiality of information in education records for any student involved.

You may submit a written response within 10 days of reviewing the evidence. I will consider your written response before I draft the investigative report.

Sincerely,

[Name]
Title IX Investigator

cc: Title IX Coordinator

Consider Written Responses

- Both parties have 10 days to review related evidence and provide a written response
  - Question missing evidence
  - Argue relevance
- Investigator must **consider written responses before** creating the Investigative Report

34 CFR § 106.45(b)(5)(vii)

Write Investigative Report

- Fairly summarize **relevant** evidence
  - NOT relevant
    - Complainant's sexual predisposition or prior sexual behavior
      - Unless to prove consent or someone else committed the allegation
- Present to both parties simultaneously
- Electronic or hard copy
- 10 days prior to hearing or written determination

34 CFR § 106.45(b)(5)(vii)

TITLE IX Final Investigation Report Template

A Formal Complaint was filed on [date] by [Name of Complainant or Title IX Coordinator]. This report contains a summary of the relevant evidence gathered through the District's investigation of the Formal Complaint, as part of the District's Title IX grievance process.

This investigation was conducted by [name of investigator] from [date] to [date]. The parties have been given the opportunity to inspect, review and provide a written response to the evidence gathered in this investigation that was related to the allegation.

Allegations
The allegations potentially constituting Title IX sexual harassment are as follows:
[identify the allegations]

Procedural Steps <Clip – Not required in investigative report but okay to include>

Summary of Relevant Evidence

I. Information about the parties
II. The allegations in the Formal Complaint
III. Timeline/dates of allegations and procedural steps
IV. Relevant sections of board policy and the student of code of conduct
V. Whether a Child Abuse Hotline report was necessary
VI. Whether there is a related criminal/juvenile investigation
VII. Evidence from interviews
VIII. Physical or other evidence
IX. Consideration of written responses to draft investigative report (relevant evidence only)

This is the final investigative report in this matter. The decision-maker will allow the parties to at least 10 days submit relevant questions for the other party(ies) or witnesses and allow additional limited time for the parties to respond to the new questions and responses before making a determination of responsibility for a Title IX violation.

Is it Title IX Sexual Harassment?

A virtual student sends sexually explicit messages and images to another virtual student using the school provided device.

Is it Title IX Sexual Harassment?

A virtual student sends sexually explicit messages and images to another virtual student on their cell phones during school time.

Investigation Timeline

Gather Evidence
- Interview Witnesses
- Review Physical Evidence

Share evidence
- Give at least 10 days prior to review
- Include all related evidence
- Parties can submit written responses

Write investigative report
- After considering the written responses
- Fairly summarizes relevant evidence

Send investigative report
- To parties and decision-maker(s)
- Can be electronic or hard copy
- Parties may submit written response
- Response may include additional questions

Decision maker considers written responses
- Review additional questions and allow only relevant questions
- Allow additional time to answer if needed

Written Determination of Responsibility
- At least 10 days after the investigative report
  - Plus any additional time for questions
- Give to both parties at the same time

Give time to appeal
- District decides allowed time

Implement the decision
- After the appeal
  - is completed or
  - time to file has expired
- Remedies for Complainant
- Sanctions for Respondent

34 CFR § 106.45(b)(5); 106.45(b)(6)(ii)

2026

Written Determination of Responsibility

Provided Simultaneously to both parties

Identification of the allegations

Description of the procedural steps taken
- From receipt of formal complaint to written determination

Findings of fact supporting the determination

Conclusions regarding the application of the code of conduct to the facts

Statement and rationale for the result of each allegation
- Determination regarding responsibility
- Any disciplinary sanctions imposed on the respondent
- Whether remedies will be provided to the complainant
- May have multiple decision makers but ONE written determination

Procedures and permissible bases for Complainant and Respondent to appeal

34 CFR §§ 106.45(b)(7)

Appeals

Both parties may appeal from a

- Determination regarding responsibility
- Dismissal of a formal complaint or any allegations therein

Bases for appeal

- **Procedural irregularity** that **affected the outcome** of the matter
- **New evidence** that was not reasonably available that **could affect the outcome** of the matter
- Title IX Personnel Team had a **conflict of interest or bias** towards complainant or respondent that **affected the outcome** of the matter

Recipient must notify the other party in writing that an appeal was filed

Any additional bases for appeal must be offered equally to both parties.

34 CFR §§ 106.45(b)(8)

Is it Title IX Sexual Harassment?

1. **Is the complainant participating in or attempting to participate in our education program or activity?**

2. **Did the actions allegedly occur in our education program or activity?**
   - Did we have substantial control over the respondent?
   - Did we have substantial control over the context?

3. **Did the actions allegedly occur against someone in the United States?**

4. **If proven true, would the alleged actions be one of the following?**
   - "Quid Pro Quo"(Staff Respondent, "if this, then that")
   - Sexual Assault, Dating Violence, Domestic Violence, or Stalking
   - Severe, Pervasive AND Objectively Offensive to a reasonable person (peer)

34 CFR §§ 106.45(b)(3), 106.30

Is it Title IX Sexual Harassment?

YES

to ALL four questions

You must follow the Title IX Sexual Harassment Grievance Process **BEFORE INVESTIGATING** allegations **OR** implementing **ANY DISCIPLINARY SANCTIONS**.

NO

to ANY of the four questions

The Office for Civil Rights (OCR) **CANNOT DIRECT YOU** on how to respond.

"A **recipient's response is not simply a matter of the recipient's own codes of conduct or policies;** a recipient's response is a matter of fulfilling obligations under a Federal civil rights law."

Title IX 2020 New Rules Preamble pg. 30214

Discipline – Act 565

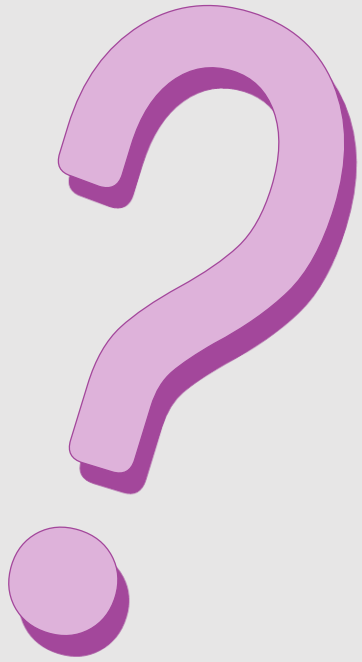
DESE Guidance Document

Understanding and Implementing the Provisions of Act 565 of 2025

1. "Appropriate interim learning environment" means an appropriate learning environment that is used for a period of time not to exceed ten (10) days.
2. "Appropriate learning environment" means a setting within a public school or public school district that provides a similar structure to the following without limitation:
    - A classroom; or;
    - In-school suspension.***

*** You cannot impose any disciplinary sanction before the Title IX process has completed

Any Questions?



Title IX Resources

- **Office for Civil Rights**
  - Title IX Law - 34 CFR §106
    - 2020 Rules without vacated 2024 rules
  - U.S. Department of Education Title IX Website
  - Dear Colleague Letter on Accommodating Students' Interests – Three-Part Test
  - Questions & Answers on the Three-Part Test DCL
  - Supporting the Academic Success of Pregnant and Parenting Students
- **Federal Bureau of Investigations**
  - National Incident-Based Reporting System (NIBRS) User Manual

My Services

Training Sessions

- **Section 504**
  - General Staff
  - Coordinator
  - District/Building Administration
  - Accommodation Plan Creation
  - Athletics & Extracurricular Activities
  - Discipline
  - Policy Review/Work Session
  - Custom Training
- **Title IX**
  - General Staff
  - Coordinator
  - Sexual Harassment Investigator/Decision Maker
  - Athletics & Class/Extracurricular Activities
  - Custom Training

Consultation

- Policy/Procedure Review
- Individual/Special Cases
- Internal Investigations
- Title IX Sexual Harassment Investigator

Interim Coordinator

- Officially listed
- Background work
- Individual Districts
- Groups of Districts
- Education Cooperatives

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CONTACT INFORMATION

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Presentation Files

Bit.ly/LeVarPDF

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