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Fontana Unified School District

Title IX Training Outline

Session #2: September 3, 2026

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I. Title IX Coordinator Training

A. Core Duties of the Title IX Coordinator

Under 34 C.F.R. § 106.8, the Title IX Coordinator is responsible for:

- Coordinating FUSD's compliance with Title IX, including the investigation and resolution of all complaints involving sex discrimination and sexual harassment;
- Receiving reports and complaints of sexual harassment from employees;
- Notifying complainants and respondents of the available complaint procedures;
- Overseeing the grievance process, including ensuring proper assignment of investigators and decision-makers free from conflicts of interest;
- Ensuring supportive measures are offered to both parties as appropriate; and
- Maintaining required records for a period of seven years under 34 C.F.R. § 106.45.

The Title IX Coordinator, investigator, and decision-maker must be free from conflicts of interest or bias for or against complainants or respondents. This is especially important in employee matters, where the respondent may be a supervisor, administrator, or union representative known¹ to the Title IX Coordinator.

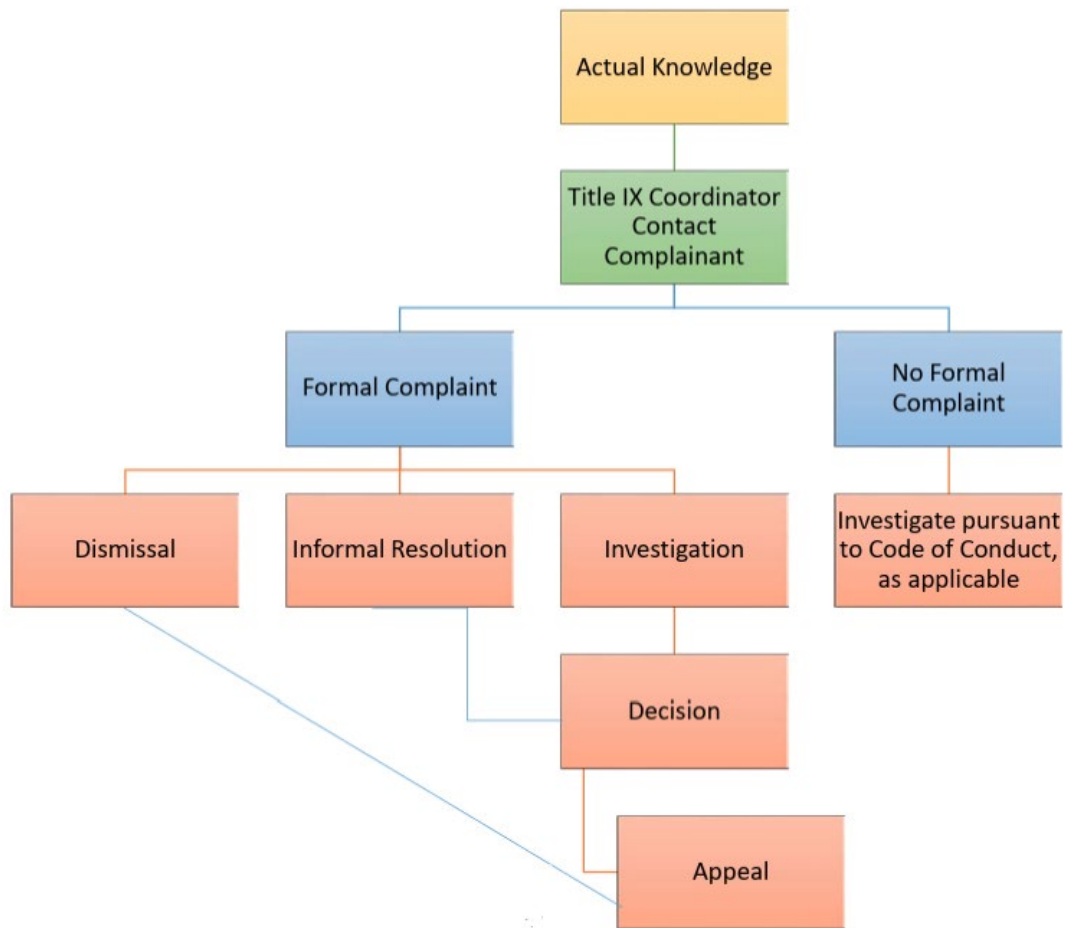
B. Coordination with Human Resources and Legal Counsel

Employee-on-employee Title IX complaints require close coordination between the Title IX Coordinator, Human Resources, and district legal counsel. Respective responsibilities as follows:

Function	Primary Responsibility	Notes
Receiving the complaint	Title IX Coordinator	Notify HR and legal counsel immediately
Issuing notice of allegations	Title IX Coordinator	Must comply with 34 C.F.R. § 106.45
Conducting the investigation	Third-party investigator or in-house	Title IX Coordinator oversees; should not investigate
Supportive measures / admin leave	HR in consultation with Title IX Coordinator	Non-punitive; CBA rights preserved
CBA / Skelly rights	HR and legal counsel	Title IX process runs parallel; CBA rights do not override Title IX
Written determination	Designated decision-maker	Cannot be Title IX Coordinator or investigator
Personnel action / discipline	HR / Superintendent	After Title IX determination; follow CBA and Ed. Code
FEHA / Title VII parallel process (If applicable)	HR / Legal Counsel	Coordinate timelines; separate written outputs may be required

¹ If the complaint is filed against the Title IX Coordinator, or if the Title IX Coordinator has a personal or professional relationship with either party that could affect impartiality, the complaint should be reassigned to the Superintendent or designee, or to outside legal counsel.

C. Title IX Grievance Process



Step 1: Receiving the Report

Any district employee who receives a report of employee-on-employee sexual harassment must forward it to the Title IX Coordinator promptly (within one workday.) The Title IX Coordinator should:

- Document the date, manner, and content of the report;
- Notify HR and legal counsel;
- Promptly contact the complainant to discuss available supportive measures and the complaint process; and
- Determine whether to open a formal complaint (the Title IX Coordinator may file a formal complaint even if the complainant does not, particularly where an imminent safety threat exists).

Step 2: Supportive Measures

Supportive measures must be offered to both the complainant and respondent before or after the filing of a formal complaint, and even if no formal complaint is filed. Under 34 C.F.R. § 106.30, supportive measures must be “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.”

Examples for employee matters include: schedule modifications, changes in work location or assignment, mutual no-contact orders, increased monitoring, paid administrative leave (pending investigation), and counseling referrals.

Step 3: Written Notice of Allegations

Upon filing a formal complaint, the Title IX Coordinator must provide both parties with written notice of allegations² pursuant to 34 C.F.R. § 106.45(c). The notice must include:

- The identities of the parties involved, if known;
- The specific conduct allegedly constituting sexual harassment — date, location, and description to the extent known;
- A statement that the respondent is presumed not responsible;
- The right to an advisor of choice (who may be, but is not required to be, an attorney);
- The right to inspect and review evidence;
- The prohibition against making false statements; and
- Sufficient time to prepare a response before any initial interview.

Step 4: Investigation

The investigator must be a trained, impartial individual who is not the Title IX Coordinator. For employee-on-employee matters, a third-party investigator is recommended to avoid any appearance of bias.

Step 5: Written Determination

The decision-maker (who must be separate from both the Title IX Coordinator and the investigator) issues the written determination. Under 34 C.F.R. § 106.45(h), the written determination must include:

- Identification of the allegations potentially constituting sexual harassment;
- A description of procedural steps taken from receipt through the determination;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the district's code of conduct or policies to the facts;
- A statement and rationale for the result as to each allegation, including a decision regarding responsibility and any disciplinary sanctions or remedies; and
- The district's procedures and permissible bases for appeal.

² Our office can provide templates and assist with the drafting of notices of allegations.

Standard of Proof: The preponderance of the evidence standard (more likely than not that the alleged conduct occurred.)

Timeline: The written determination must be issued within 60 calendar days of receipt of the formal complaint, unless extended for good cause with written notice to both parties.

Step 6: Post-Determination: Discipline and Personnel Action

If the respondent is found responsible, the District may impose disciplinary sanctions after the complaint process is completed. For certificated employees, this may include suspension, unpaid leave, or dismissal under the CBA and pursuant to Education Code §§ 44932-44988. For classified employees, the applicable discipline procedures under the CBA and Education Code apply.

Skelly Rights: Before imposing discipline, the District must provide the respondent-employee with pre-disciplinary due process including a *Skelly* notice. This process separate from the Title IX grievance must be coordinated carefully with HR and labor counsel.

Step 7: Appeals

Either party may appeal the written determination within 10 calendar days on the following grounds:

- A procedural irregularity that affected the outcome;
- New evidence not reasonably available at the time of the determination that could affect the outcome; or
- A conflict of interest or bias by the Title IX Coordinator, investigator, or decision-maker that affected the outcome.

The appeal decision-maker must be different from the original decision-maker, investigator, and Title IX Coordinator. A written appeal decision must be issued within 20 calendar days of receipt of the appeal.

D. Confidentiality

The District must not disclose the identities of any complainant, respondent, or witness except as permitted by FERPA, as required by law, or to carry out the purposes of Title IX. In employee matters, this means:

- Investigation materials, including witness statements and interview notes, should be maintained in a secure, confidential file separate from personnel files;
- District staff involved in the investigation should be advised not to discuss the matter outside the scope of their role;
- The identity of the complainant, respondent, or witnesses should be disclosed to their supervisor before the investigation is complete, unless doing so is necessary to carry out job duties or supportive measures;
- The complainant and respondent should be informed of the confidentiality requirements at the outset of the process; and
- The specific nature of any discipline imposed on the respondent is generally not disclosable to the complainant.

E. Retaliation

Retaliation against any person for reporting sexual harassment, participating in an investigation, or opposing a discriminatory practice is strictly prohibited under Title IX (as well as Title VII, FEHA, and district policy). The Title IX Coordinator must:

- Advise all parties and witnesses of the anti-retaliation prohibition at the outset of the process;
- Monitor for any adverse employment actions taken against the complainant or witnesses following the filing of a complaint; and
- Treat any report of retaliation as a separate complaint requiring prompt investigation.