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Agenda

- 1 What is Title IX?
- 2 What is Title IX Sexual Harassment?
- 3 When Must a School Respond to Title IX Sexual Harassment?
- 4 Responding to Allegations of Sexual Harassment
- 5 Title IX Team Members
- 6 Bias, Conflicts of Interest, and Prejudgment
- 7 Record Keeping

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SECTION 1

What is Title IX?

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SECTION 1

Title IX Statute

“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.”

20 U.S.C. §§ 1681-1688

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SECTION 1

Title IX Regulations

Under the Title IX Regulations, harassment
on the basis of sex is **prohibited**.

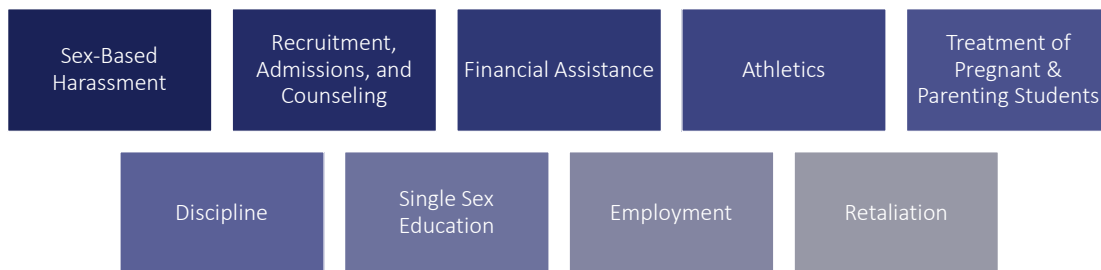
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SECTION 1

What Falls Under Title IX?



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SECTION 1

What Do the Title IX Regulations Require?

The Title IX regulations require that each educational institution:

- 1 Have a detailed Title IX Grievance Procedure.
- 2 Designate a Title IX Coordinator.
- 3 Follow the regulations when investigating allegations of Title IX Sexual Harassment.

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SECTION 2

What is Title IX Sexual Harassment?

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SECTION 2

Title IX Sexual Harassment

Hostile Environment

Quid Pro Quo

Specific Offenses:
Sexual Assault
Domestic Violence
Dating Violence
Stalking

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SECTION 2 · CONTINUED

Quid Pro Quo Sexual Harassment

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SECTION 2

Quid Pro Quo

Quid = Something

Pro = For

Quo = Something

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SECTION 2

Quid Pro Quo

- **Definition:** An employee of the educational institution conditioning an aid, service, or benefit of the educational institution on the individual's participation in unwelcome sexual conduct.
- **Respondent:** Must be an employee (not a volunteer, another student, etc.).
- **Severity and harm are presumed.**

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SECTION 2 · CONTINUED

Specific Offenses

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SECTION 2

Specific Offenses

Sexual Assault

Domestic Violence

Dating Violence

Stalking

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SECTION 2

Sexual Assault

Definition: An offense classified as a forcible or nonforcible sex offense under the definitions maintained by the Federal Bureau of Investigation (FBI), and includes rape, criminal sexual contact (formerly called fondling), incest, and statutory rape.

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SECTION 2

Sexual Assault: Rape

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

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SECTION 2

Sexual Assault: Criminal Sexual Contact

Definition: The intentional touching of a clothed or unclothed body part without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

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SECTION 2

Sexual Assault: Incest

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

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SECTION 2

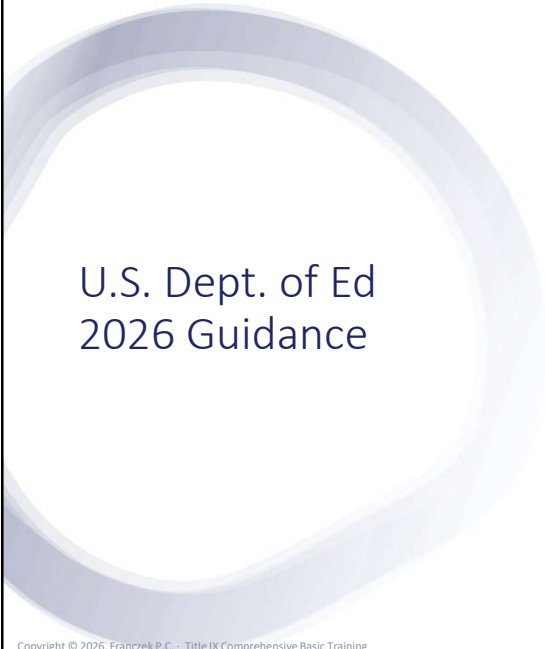
Sexual Assault: Statutory Rape

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

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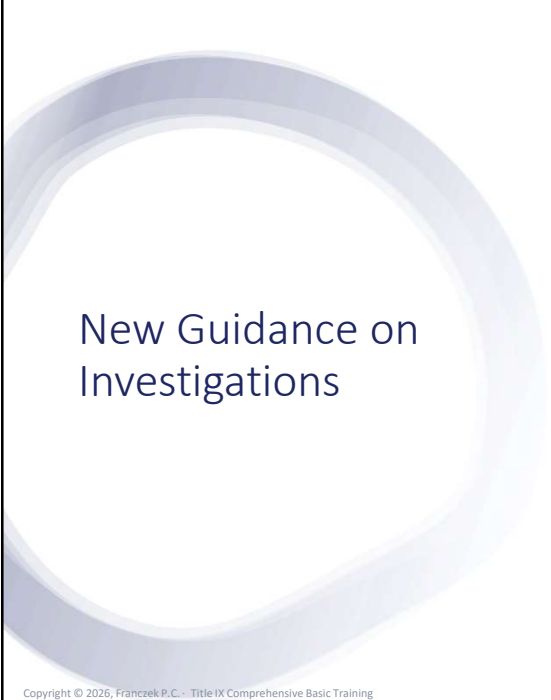
U.S. Dept. of Ed
2026 Guidance

“National K-12 Initiative to Protect Students from Adult Sexual Predators in Schools” –July 10, 2026

“The Trump Administration has observed a troubling and recurring pattern in schools across the nation of credible reports of sexual abuse and harassment.”

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New Guidance on Investigations

“Schools must thoroughly investigate allegations of sexual misconduct and cannot rely solely on referrals to law enforcement to satisfy their obligations under Title IX. Nor may they suspend or terminate their investigation once law enforcement gets involved, unless so required by other pertinent federal law. Institutions must ensure their grievance procedures are timely, thorough, and genuinely responsive.”

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SECTION 2 • CONTINUED

Hostile Environment Sexual Harassment

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SECTION 2

Title IX Hostile Environment Sexual Harassment

Definition: Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person's equal access to the school's education program or activity.

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SECTION 2

Unwelcome Conduct

Conduct is unwelcome if a person did not request or invite it and "regarded the conduct as undesirable or offensive."

- 1 Not Participation
- 2 Not Silence
- 3 Age, Intoxication, and Ability Matter



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SECTION 2

Unwelcome Conduct

When determining whether conduct is unwelcome, look at whether a **subjective** and **reasonable person** would consider the conduct unwelcome.

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SECTION 2

Severe Conduct

- Something more than juvenile behavior.
- Something more than antagonistic, non-consensual, and crass conduct.
- Simple acts of teasing and name calling are not enough to meet the severity standard, even when those comments are based on sex.
- It is not enough to show that a student has been teased or called offensive names.

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SECTION 2

Pervasive Conduct

- Systemic or widespread.
- Multiple instances of harassment.
- One incident is not enough, even if it is very severe.

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SECTION 2

Objectively Offensive Conduct

- Behavior that would be offensive to a reasonable person under the circumstances.
- Not just offensive to the victim, personally or subjectively.
- Consider the ages, numbers, relationships – the constellation of surrounding circumstances, expectations, and relationships.

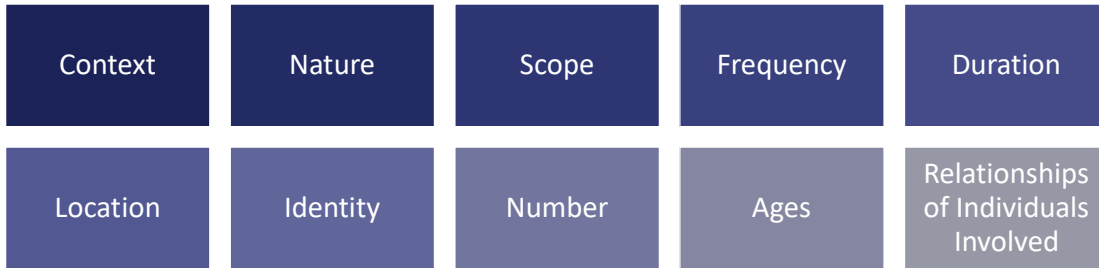
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SECTION 2

Hostile Environment Factors



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SECTION 2

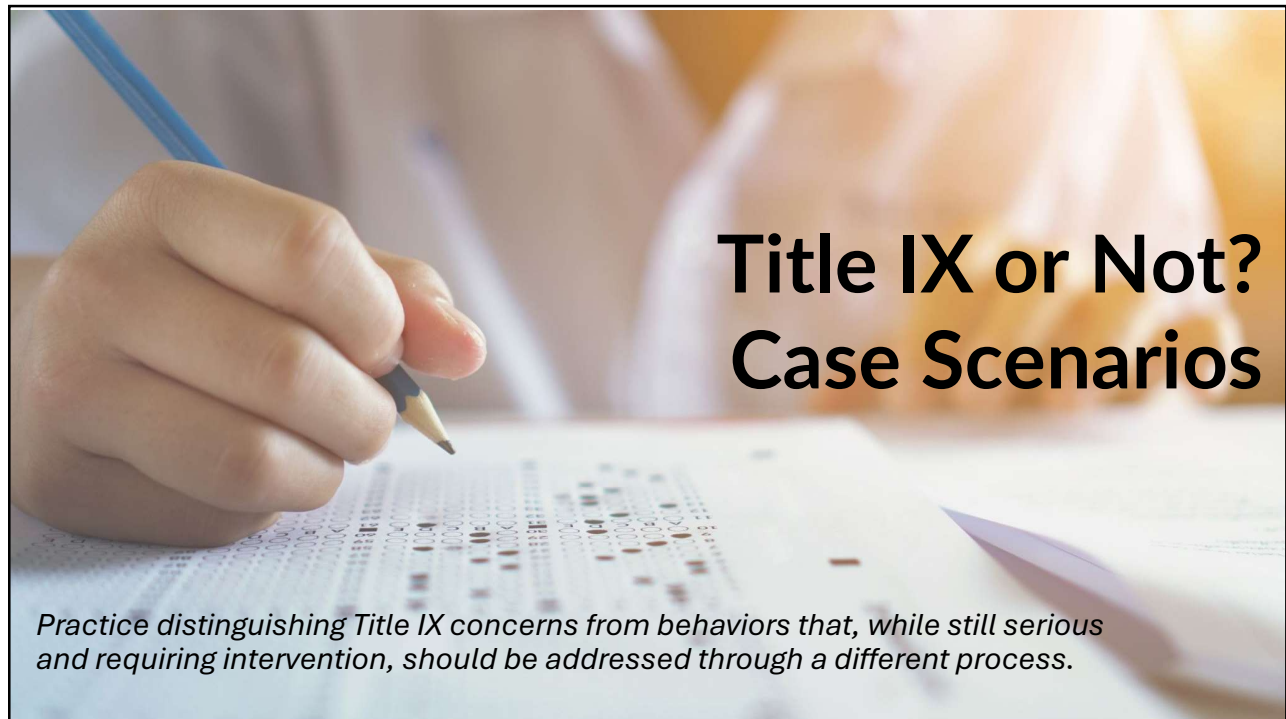
Denial of Access

To constitute Title IX Hostile Environment, the conduct must be so severe, pervasive, and objectively offensive that it **effectively denies a person equal access to the school's education program or activity.**

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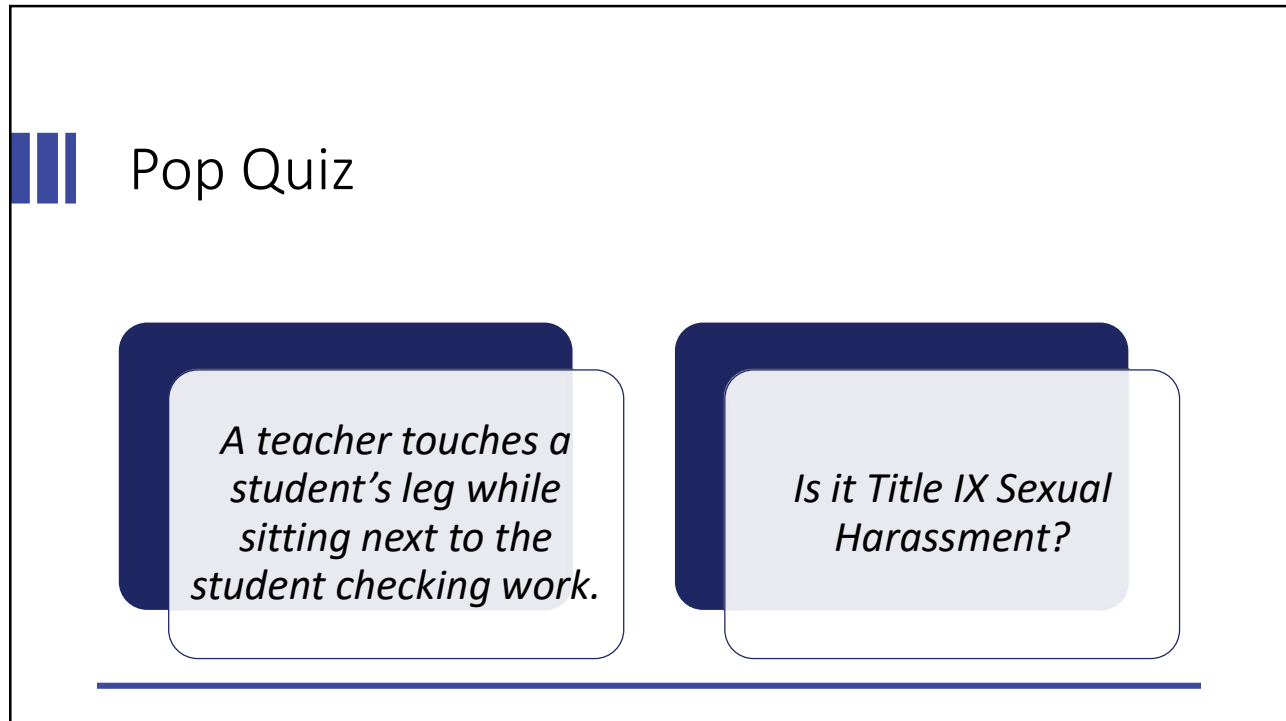
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Pop Quiz

A coach buys student-athlete new gear for season with District funds.

Is it Title IX Sexual Harassment?

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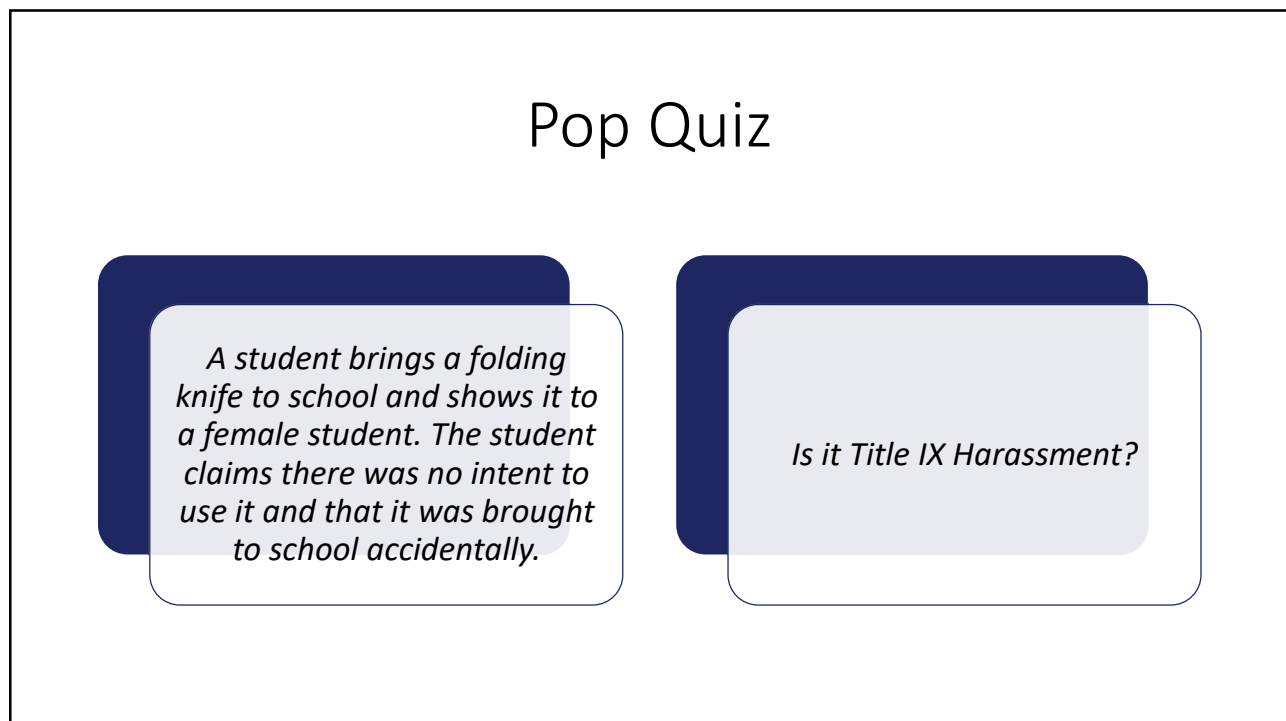
A presentation slide titled "Pop Quiz" with a blue header bar. The slide contains two scenarios in dark blue rounded rectangles, each with a light blue text box. The first scenario describes a teacher touching a student's leg while checking work. The second scenario asks if it is Title IX sexual harassment.

Pop Quiz

A teacher touches a student's leg while sitting next to the student checking work.

Is it Title IX Sexual Harassment?

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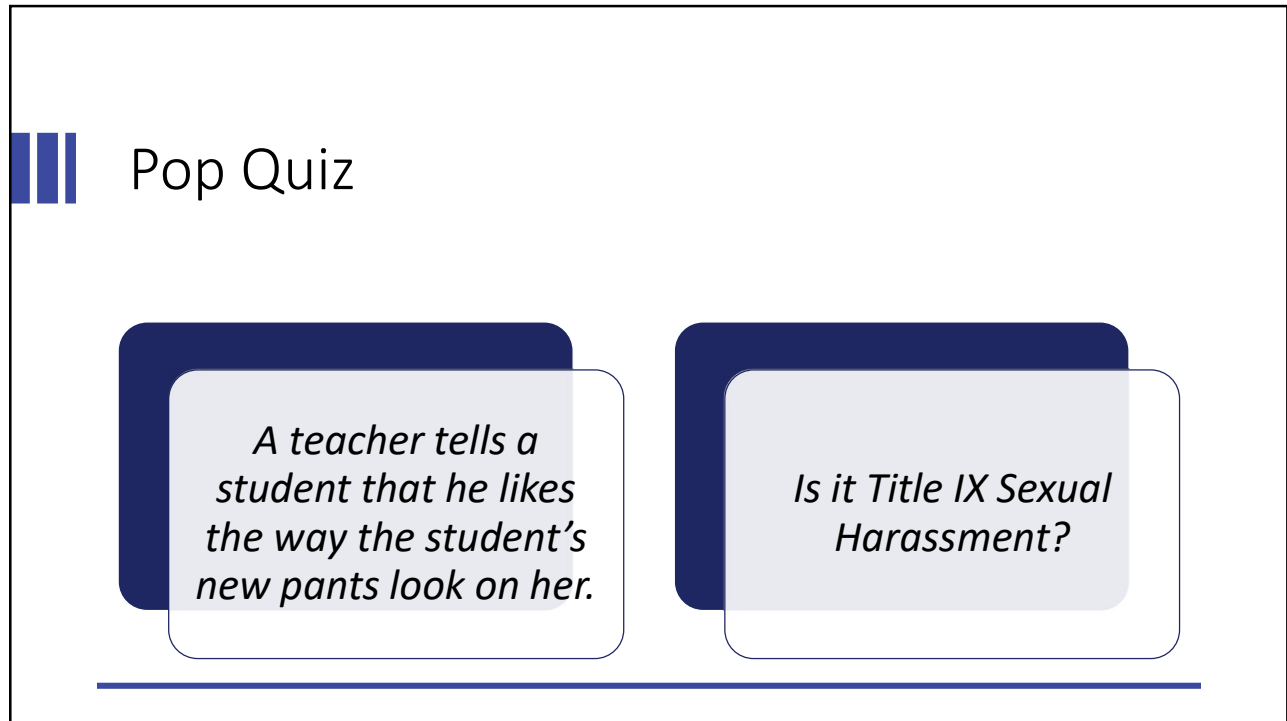
A presentation slide titled "Pop Quiz" with a white background. The slide contains two scenarios in dark blue rounded rectangles, each with a light blue text box. The first scenario describes a student bringing a folding knife to school and showing it to a female student, claiming no intent. The second scenario asks if it is Title IX harassment.

Pop Quiz

A student brings a folding knife to school and shows it to a female student. The student claims there was no intent to use it and that it was brought to school accidentally.

Is it Title IX Harassment?

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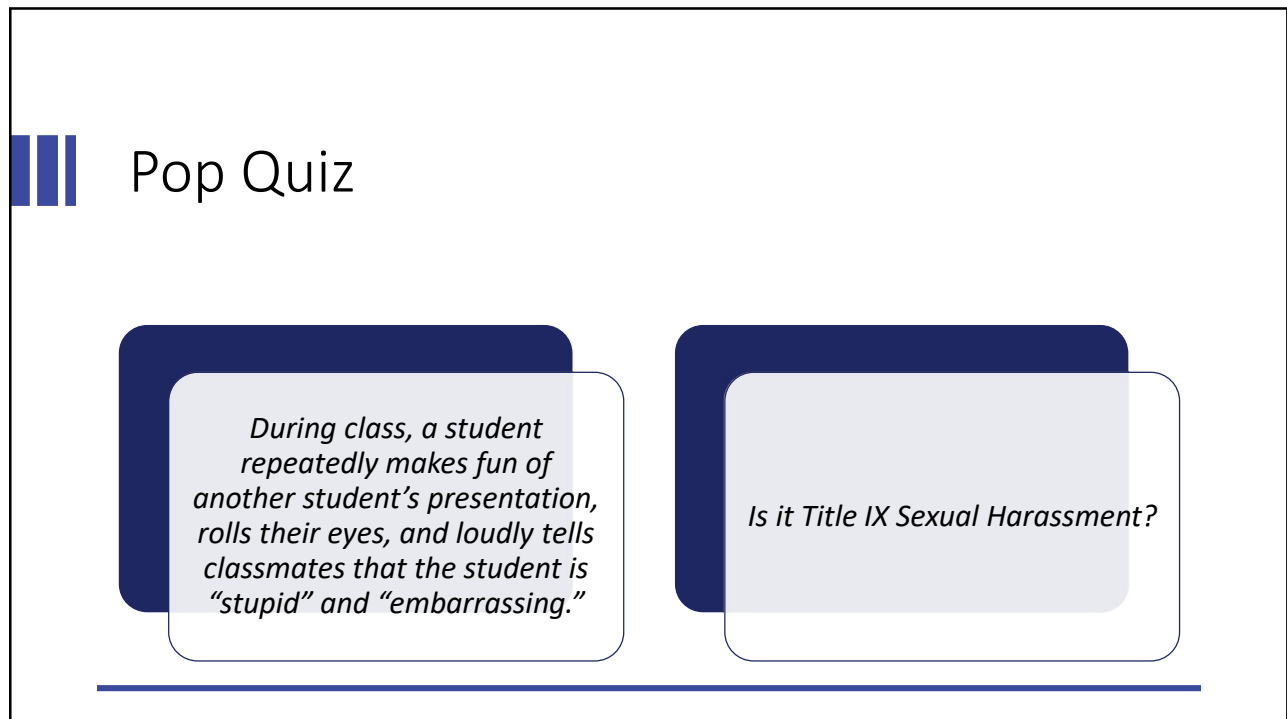
Pop Quiz

A teacher tells a student that he likes the way the student's new pants look on her.

Is it Title IX Sexual Harassment?

This slide features a dark blue header with three vertical bars on the left. The title 'Pop Quiz' is in a large, dark blue font. Below the title, there are two light blue rounded rectangular boxes. The first box contains the text 'A teacher tells a student that he likes the way the student's new pants look on her.' and the second box contains the text 'Is it Title IX Sexual Harassment?'. A horizontal blue line is at the bottom of the slide.

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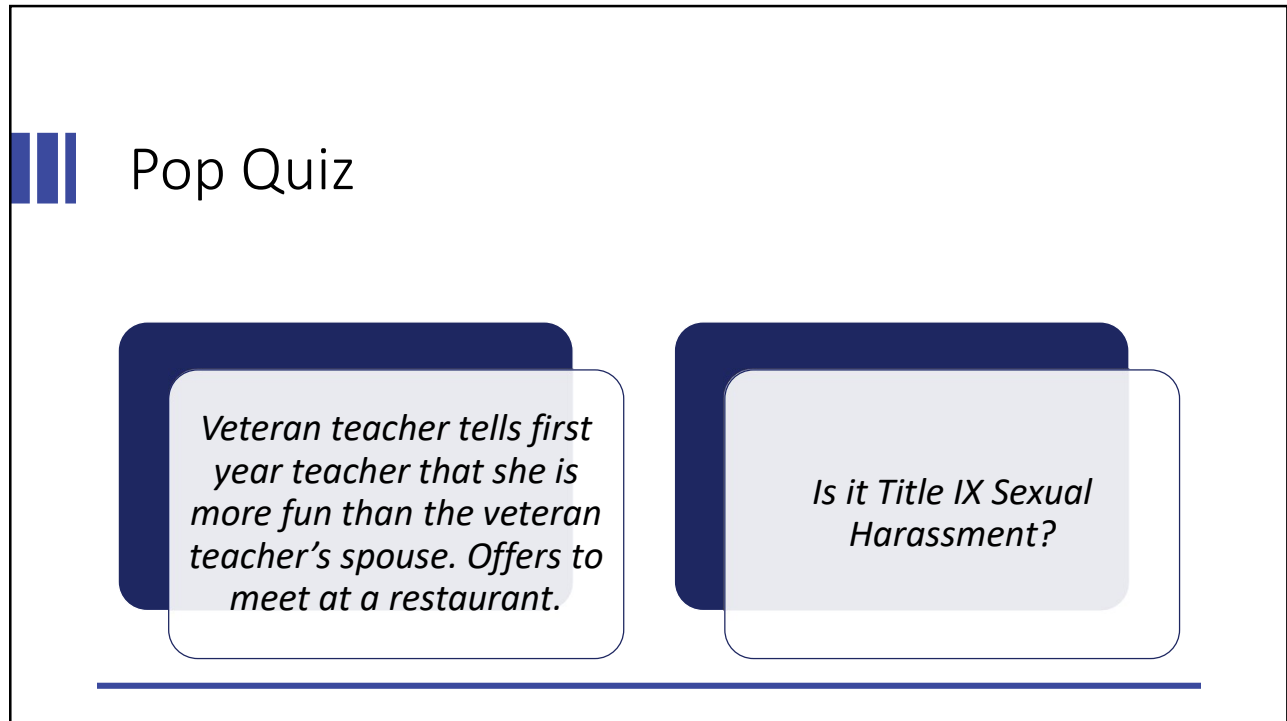
Pop Quiz

During class, a student repeatedly makes fun of another student's presentation, rolls their eyes, and loudly tells classmates that the student is "stupid" and "embarrassing."

Is it Title IX Sexual Harassment?

This slide features a dark blue header with three vertical bars on the left. The title 'Pop Quiz' is in a large, dark blue font. Below the title, there are two light blue rounded rectangular boxes. The first box contains the text 'During class, a student repeatedly makes fun of another student's presentation, rolls their eyes, and loudly tells classmates that the student is "stupid" and "embarrassing."' and the second box contains the text 'Is it Title IX Sexual Harassment?'. A horizontal blue line is at the bottom of the slide.

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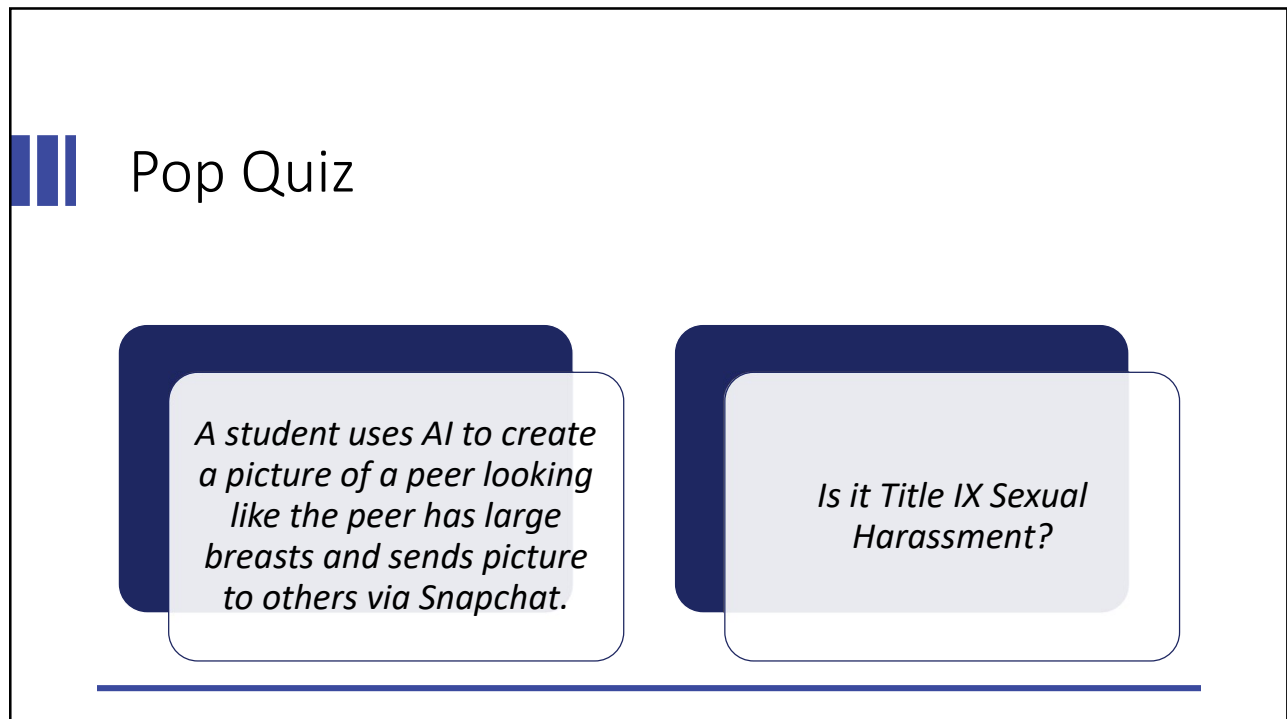


Pop Quiz

Veteran teacher tells first year teacher that she is more fun than the veteran teacher's spouse. Offers to meet at a restaurant.

Is it Title IX Sexual Harassment?

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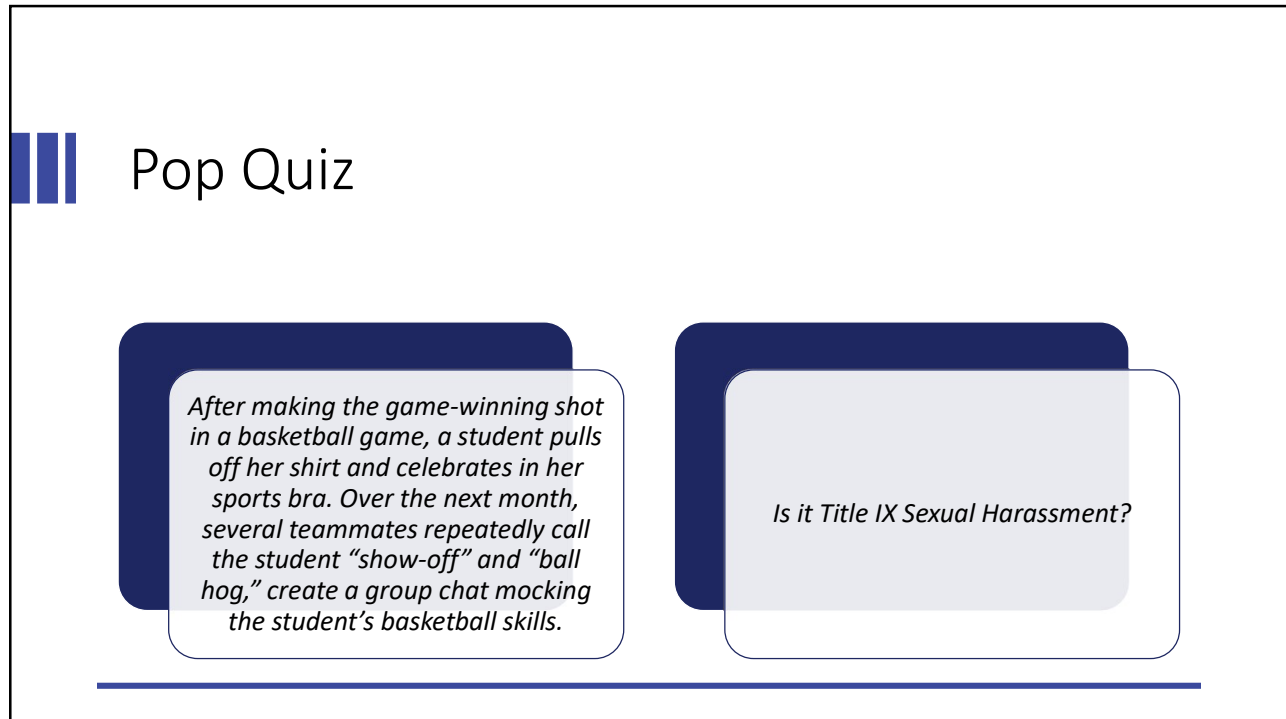


Pop Quiz

A student uses AI to create a picture of a peer looking like the peer has large breasts and sends picture to others via Snapchat.

Is it Title IX Sexual Harassment?

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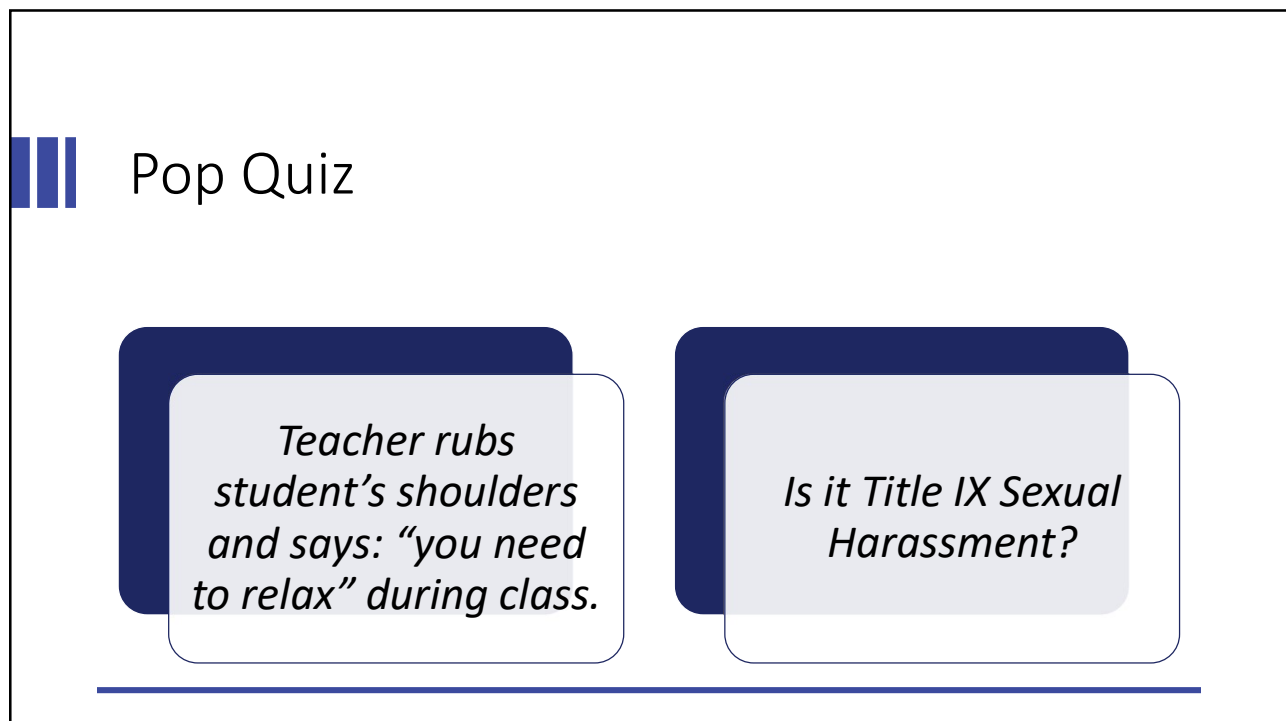
A presentation slide titled "Pop Quiz" with a blue header bar. The slide contains two text boxes. The left box contains a paragraph of text, and the right box contains a question. A blue horizontal line is at the bottom.

Pop Quiz

After making the game-winning shot in a basketball game, a student pulls off her shirt and celebrates in her sports bra. Over the next month, several teammates repeatedly call the student "show-off" and "ball hog," create a group chat mocking the student's basketball skills.

Is it Title IX Sexual Harassment?

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A presentation slide titled "Pop Quiz" with a blue header bar. The slide contains two text boxes. The left box contains a paragraph of text, and the right box contains a question. A blue horizontal line is at the bottom.

Pop Quiz

Teacher rubs student's shoulders and says: "you need to relax" during class.

Is it Title IX Sexual Harassment?

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SECTION 3

When Must a School Respond to Title IX Sexual Harassment?

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SECTION 3

When Must A School Respond?

- A school with **actual knowledge** of Title IX Sexual Harassment in an education program or activity against a person in the United States must respond.
- Actual knowledge results when the Title IX Coordinator or any official with authority witnesses sexual harassment, hears about sexual harassment, learns about sexual harassment allegations from a complaint, or receives a written or verbal complaint about sexual harassment allegations.

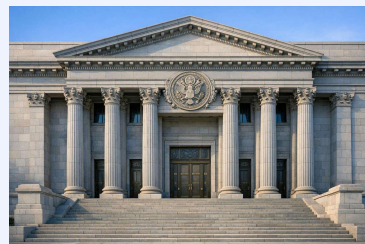
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SECTION 3

Official with Authority

An official with authority is:

- 1 The Title IX Coordinator.
- 2 Any other officials who have been given authority to institute corrective measures by the school.
- 3 At the K-12 level, *all employees* are officials with authority.



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SECTION 3

Reporting Sexual Harassment

Any person may report sexual harassment, regardless of whether the person is the alleged victim of the reported conduct.

- 1 Reports can be made by mail, by telephone, or by email, using the contact information listed for the Title IX Coordinator.
- 2 Reports can be made by any means that results in the Title IX Coordinator receiving the person's report.
- 3 Such a report may be made at any time, including during non-business hours, by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.



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SECTION 3

Reporting ≠ Filing a Formal Complaint



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SECTION 3

Key Word: Allegation

Once a school has notice of an allegation that, **if true**, would constitute Title IX Sexual Harassment, **it must** respond.

"Well, we didn't believe there was enough evidence it happened," is not a valid excuse to avoid using your Title IX Sexual Harassment grievance process.

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SECTION 3

Education Program or Activity

- 1 Title IX Sexual Harassment must occur “in a program or activity.”
- 2 This includes any location, events, or circumstances over which the school exhibits substantial control both over the alleged harassment and the “context” in which the harassment occurs.
- 3 Schools need only address Title IX Sexual Harassment occurring against a person in the United States under Title IX.



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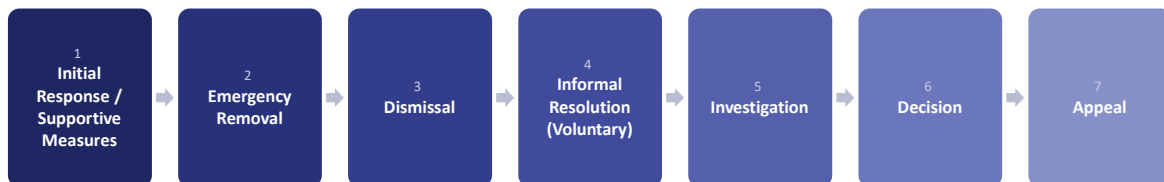
SECTION 4

Responding to Allegations of Title IX Sexual Harassment

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SECTION 4

Overview of the Title IX Response Process



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SECTION 4 • CONTINUED

Initial Response/Supportive Measures

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SECTION 4

Initial Response/Supportive Measures

The Title IX Coordinator or designee must promptly respond to a report of Title IX Sexual Harassment, even when no Formal Complaint has been filed.

1. **Contact** the Title IX Complainant to discuss the availability of “supportive measures.”
2. **Consider** the Title IX Complainant’s wishes with respect to supportive measures.
3. **Inform** the Title IX Complainant of the availability of supportive measures with or without filing a Formal Complaint.
4. **Explain** the process for filing a Formal Complaint.

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SECTION 4

Formal Complaint

Document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the school investigate allegations of sexual harassment.



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SECTION 4

Supportive Measures

- Non-punitive, individualized services offered as appropriate and without charge to a Complainant and Respondent before or after the filing of a Formal Complaint, or where no Formal Complaint has been filed.
- Should be designated to restore or preserve equal access to the education program or activity without “unreasonably” burdening the other party.
- Should be confidential.



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SECTION 4

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NOTICE TO COMPLAINANT OF REPORT
OF TITLE IX SEXUAL HARASSMENT
(NOTICE 1A)



SUMMARY OF SUPPORTIVE MEASURES
MEETING WITH COMPLAINANT
(NOTICE 1B)



TITLE IX FORMAL COMPLAINT
(FORM A)

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SECTION 4 • CONTINUED

Emergency Removal

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SECTION 4

Emergency Removal

Immediate Emergency Removal (Student)

- Based on an individualized safety and risk analysis.
- Necessary to protect a student or other individual from immediate threat to physical health or safety.
- Notice and an opportunity to challenge must be provided “immediately.”
- Consider other laws – expulsion (SB100), change in placement under IDEA or 504.

Employee Administrative Leave

- Not prohibited.
- Must follow state laws, Board policies, Employee Handbooks, and Collective Bargaining Agreements.

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SECTION 4

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NOTICE OF TITLE IX EMERGENCY REMOVAL
OF STUDENT
(NOTICE 4A)



NOTICE OF TITLE IX EMERGENCY REMOVAL
OF EMPLOYEE
(NOTICE 4B)

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SECTION 4 · CONTINUED

Dismissals

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SECTION 4

Dismissals

Mandatory Dismissal

The Title IX Coordinator must dismiss a complaint if the conduct alleged:

- Is not Title IX Sexual Harassment;
- Did not occur in the school's program or activity;
- Did not occur in the United States.

Permissive Dismissal

The Title IX Coordinator may dismiss a complaint if:

- The Complainant requests to withdraw in writing;
- The Respondent's enrollment or employment in/at the institution ends;
- Specific circumstances prevent the institution from gathering evidence sufficient to reach a determination (e.g., passage of time, lack of cooperation).

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NOTICE OF MANDATORY DISMISSAL OF
ALLEGATIONS OF TITLE IX SEXUAL HARASSMENT
(NOTICE 3A)



NOTICE OF PERMISSIVE DISMISSAL OF
ALLEGATIONS OF TITLE IX SEXUAL HARASSMENT
(NOTICE 3B)

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SECTION 4 • CONTINUED

Informal Resolution

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SECTION 4

Informal Resolution – Not Required

- An institution cannot condition enrollment, employment, or any right on a waiver of the right to an investigation and adjudication of Formal Complaints under the grievance procedure.
- Both parties must voluntarily consent in writing to participate in Informal Resolution.
- Informal Resolution is **not available** to resolve allegations that an employee sexually harassed a student.

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SECTION 4

Informal Resolution – Timing

- An institution cannot offer Informal Resolution *until* the Formal Complaint is filed.
- Once the Formal Complaint is filed, the institution can offer Informal Resolution at any time prior to reaching a determination.
- Either party can request Informal Resolution.
- Either party can withdraw from Informal Resolution prior to reaching an agreement.

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SECTION 4

Informal Resolution – Facilitators

- Informal Resolution Facilitators must be trained.
- We do not recommend using the Title IX Coordinator, the Investigator, or the Decision-Maker as the Informal Resolution Facilitator.

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OFFER OF INFORMAL RESOLUTION PROCESS
(NOTICE 5A)



NOTICE OF CLOSURE OF TITLE IX INFORMAL
RESOLUTION PROCESS
(NOTICE 5B)

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SECTION 4 · CONTINUED

Investigations

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SECTION 4

Who Should Investigate?

- The Investigator can be the Title IX Coordinator.
- But should it?

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SECTION 4

Written Notice

- The Institution must:
 - Provide written notice to all known parties “upon receipt of the written complaint.”
 - Provide sufficient time to allow the Respondent to prepare a response before any initial interview.
 - Supplement the written notice if new allegations are opened for investigation or new parties are identified.



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SECTION 4

Written Notice

- Written notice must include:
 - Notice of the grievance process, including any Informal Resolution process.
 - Notice of allegations, in sufficient detail to allow the Respondent to prepare a response (known parties, conduct alleged, date and location of conduct).
 - Statement that the Respondent is presumed not responsible and that responsibility will be determined at the conclusion of the grievance process.
 - Notice of the parties' rights to have an attorney or non-attorney advisor.
 - Notice of the parties' rights to inspect and review evidence.
 - Notice of any provision in the Code of Conduct that prohibits knowingly making false statements or providing false evidence during the grievance process.



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NOTICE OF ALLEGATIONS OF TITLE IX SEXUAL
HARASSMENT BY A COMPLAINANT
(NOTICE 2A)



NOTICE OF ALLEGATIONS UPON SIGNING OF FORMAL
COMPLAINT BY THE TITLE IX COORDINATOR
(NOTICE 2B)

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SECTION 4

Investigation Elements

- Burden of proof is on the school, not on the parties.
- Certain treatment records cannot be obtained without voluntary, written consent.
- No restriction of the rights of the parties to discuss allegations or gather and present evidence.
- The parties must be provided the same opportunities for others to be present during interviews or related proceedings (e.g., attorney or non-attorney advisor).
- The Institution must provide written notice to the parties of the date, time, participants, purpose, and location of each investigative interview with sufficient time to prepare.
- All directly related evidence must be provided to the parties and their advisors with ten days to respond before the investigation report is issued.
- The written investigative report must “fairly summarize the evidence” and be provided to the parties and their advisors at least ten days before the determination of responsibility.

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SECTION 4

Recommended Findings

"The Department does not wish to prohibit the investigator from including recommended findings or conclusions in the investigative report. However, the decision-maker is under an independent obligation to objectively evaluate relevant evidence, and thus cannot simply defer to recommendations made by the investigator in the investigative report."

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SECTION 4

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NOTICE OF TITLE IX INTERVIEW OR MEETING
WITH TITLE IX PARTY
(NOTICE 6A)



NOTICE OF TITLE IX INTERVIEW OR MEETING
WITH NON PARTY WITNESS
(NOTICE 6B)

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SECTION 4

Privileged Information



ATTORNEY CLIENT
PRIVILEGE



PRIVILEGE AGAINST SELF-
INCRIMINATION



CONFESSIONS TO CLERGY
OR RELIGIOUS FIGURE



SPOUSAL PRIVILEGE

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SECTION 4

Rape Shield Law

- The Institution must exclude evidence of the Complainant's sexual behavior or predisposition (not applicable to the Respondent).
- There are two narrow exceptions:
 - To show that someone other than the Respondent committed the conduct; or
 - To show past conduct between the Complainant or the Respondent to show consent.

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SECTION 4

Treatment Records



Can't access, consider, disclose, or use records



Made by a physician, psychologist, or other recognized professional



Which are made and maintained in connection with the provision of treatment,



Unless the party gives voluntary, written consent

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SECTION 4

Opportunity to Review Evidence

- Before the investigative report is complete, all directly related evidence must be sent to each party and their advisor.
- This includes evidence that the school does not intend to rely upon (both exculpatory and inculpatory evidence must be shared).
- Parties have ten days to provide a written response to the directly related evidence.



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NOTICE OF DIRECTLY RELATED EVIDENCE
(NOTICE 7A)



NOTICE OF OTHER PARTY'S WRITTEN
RESPONSE TO THE EVIDENCE
(NOTICE 7B)

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SECTION 4

Investigative Report

- The Investigative Report must fairly summarize all relevant evidence.
- Provide the report to the parties and their advisors for review and written response at least ten days before a determination of responsibility.



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TITLE IX INVESTIGATIVE REPORT
TEMPLATE
(FORM B)



NOTICE OF INVESTIGATIVE REPORT
(NOTICE 8A)



NOTICE OF OTHER PARTY'S
WRITTEN RESPONSE TO THE
INVESTIGATIVE REPORT
(NOTICE 8B)



TRANSMITTAL TO DECISION-MAKER
AT CONCLUSION OF INVESTIGATION
(NOTICE 8C)

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SECTION 4 • CONTINUED

Decision (Determination of Responsibility)

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SECTION 4

Decision-Maker

- The Decision-Maker cannot be the Title IX Coordinator or the Investigator.
- The Decision-Maker must be trained.

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SECTION 4

Determinations of Responsibility

- Live hearing with cross-examination is required for higher education institutions, but not required for K-12 institutions.
- Each party is allowed to submit written, relevant questions to be asked of another party or witness to the decision-maker, who will provide each party with the answers and the opportunity for follow-up questions.

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SECTION 4

Decisions on Relevance (Cross-Examination)

- The Decision-Maker must provide the reasoning for determining the question was irrelevant or the exception for exclusion.
- The Decision-Maker must admit and consider all relevant evidence.
- Questions must be appropriate.

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NOTICE OF OPPORTUNITY TO
SUBMIT QUESTIONS (NOTICE 9A)



NOTICE OF DECISION MAKER'S
EXCLUSION OF QUESTIONS AS NON-
RELEVANT (NOTICE 9B)



NOTICE OF QUESTIONS (NOTICE 9C)



NOTICE OF ANSWERS TO
QUESTIONS AND OPPORTUNITY TO
SUBMIT FOLLOW UP QUESTIONS
(NOTICE 9D)

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SECTION 4

Written Determination

Identify	Identify the allegations
Describe	Describe procedural steps taken
Cite	Cite potential policy violations
Summarize	Fairly summarize all relevant evidence
Provide	Provide statement of result, with rationale, for each allegation
Appeal	Appeal procedures

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SECTION 4

Standard of Proof

- Utilize the **Preponderance of the Evidence** standard.
- A fact is more likely than not to be true.



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SECTION 4

Remedies

Can be
punitive/disciplinary

Can be supportive
measures or similar
actions as well

Can address
individuals or larger
community

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WRITTEN DETERMINATION TEMPLATE
(FORM C)



TRANSMISSION OF WRITTEN DETERMINATION
TO PARTIES AND ADVISORS (NOTICE 10)

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SECTION 4 · CONTINUED

Appeals

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SECTION 4

Appeals

- Appeals must be available to both parties.
- Parties may appeal a dismissal or a determination.

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SECTION 4

Bases for Appeal

Procedural issue that
impacted the outcome

New evidence that would
have impacted the outcome

Bias/conflict of interest

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SECTION 4

Appeal Process

1 Notify the parties of an appeal (in writing)



2 Apply procedures equally for both parties



3 Provide an opportunity to submit a written statement



4 Issue written decision to both parties

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TITLE IX APPEAL FORM (FORM D)



NOTICE OF APPEAL FILING
(NOTICE 11A)



NOTICE OF WRITTEN STATEMENT IN
SUPPORT OF OR CHALLENGING THE
OUTCOME (NOTICE 11B)



APPEAL DETERMINATION (FORM F)

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SECTION 5

Bias, Conflict of Interest, and Prejudgment

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SECTION 5

Bias, Conflict of Interest, Prejudgment

- The Title IX Coordinator, Investigator, Decision Maker, and Informal Resolution Facilitator must not have a conflict of interest or bias for or against Complainants or Respondents generally or for or against any individual Complainant or Respondent.
- These individuals must also not prejudge any matter before them.

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SECTION 5

Bias, Conflict of Interest, Prejudgment

- Consider perception, not just reality:
 - Institutional bias.
 - Your friendship or other relationship with the accused.
 - Your personal characteristics.
 - Your personal conflicts (even if just perceived).
 - Personality conflicts.

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SECTION 5

Conflict of Interest

- Consider training multiple staff members to allow for the flexibility to assign roles for each specific complaint.
- Consider when outsourcing adjudication functions may be appropriate.
- There are no *per se* conflicts of interest when using school employees or individuals with histories of working in the field of sexual violence as decision-makers.
- Caution against using generalizations to identify conflicts of interest.

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SECTION 5

Pre-Judgment

- Tips for Avoiding Pre-Judgment
 - Each case is fact specific.
 - Keep an open mind.
 - Actively listen to the facts presented.

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SECTION 5

Sex Stereotypes

- Title IX team members must not rely on sex stereotypes.
- Examples of sex stereotypes:
 - Women are “asking for it” based on actions or clothing.
 - Men cannot be sexually assaulted.
 - Women only decide they were assaulted after the fact due to regret and embarrassment.
 - Men are more likely to be sexual aggressors.
- Consider the intersection of sex stereotypes with race, ability, sexuality, and gender identity.

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SECTION 6

Record Keeping

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SECTION 6

Written Notices - Required

Notice of Allegations

Informal Resolution

Dismissal

Interview

Investigator Report

Irrelevant or Excluded Questions

Written Determination & Right to Appeal

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SECTION 6

Written Notices - Recommended

Supportive Measures

Provision of Directly Related Evidence

Cross-Examination

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SECTION 6

Records Must Be Maintained for Seven Years

- Responses to Formal Complaints and informal allegations of Title IX sexual harassment.
- All actions taken in response.
- The basis for the school's conclusion that its response was not deliberately indifferent.
- Documentation that the school has taken measures designed to restore or preserve equal access to the education program or activity.
- Supportive measures or the reasons why supportive measures were clearly unreasonable in light of known circumstances.

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