

Title IX: What's Changed and How Do We Comply?



Lisa M. Paul

Associate Attorney

lpaul@jca-law.com

- J.D., University of Houston Law Center, 1994
- B.A., Texas A&M University, College Station, TX 1990



Mario Perez

Associate

mperez@jca-law.com

- J.D., Texas Tech University School ofLaw, 2018;
- B.A., Texas Tech University, 2015;

Title IX Training

NOTICE:

This material is intended for non-commercial use for purposes. Commercial utilization of the materials contained in these slide materials is prohibited.

Agenda

1. Overview of Title IX
2. Summary of Changes
3. Investigating a Title IX Complaint
4. Training

Overview of Title IX

Basics

- 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
- Title IX are the regulations promulgated by the Department of Education used to effectuate 20 U.S.C. 1681's prohibitions of sexual harassment and sexual discrimination in federally funded “education program or activit[ies]”.
- Title IX regulations apply to *all* students in the United States and across *all* grade levels.
- On August 14, 2020, *new* Title IX regulations took effect that impact school districts.

Discriminatory Conduct

- Title IX protections include discriminatory conduct that is:
 - » Between Students
 - » Between Employees and Students
 - » Between the District in its capacity as Employer and its employees
 - » Others who would otherwise receive the benefits of or participate in educational programs
- Any “person” is protected, not just students or employees.
- Examples of discrimination covered by Title IX includes, but not is not limited to:
 - » Sexual harassment
 - » Sexual violence
 - » Failure to provide equal athletic opportunity
 - » Sex-based discrimination in programs such as STEM courses, and
 - » Discrimination based on pregnancy.

Definition of Sexual Harassment

- Sexual harassment is conduct on the basis of sex, being:
 1. A district employee conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct (this is otherwise known as *quid pro quo* sexual harassment);
 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 district's education program or activity; **or**
 3. "Sexual assault," "dating violence," "domestic violence," or "stalking," as defined by federal law.

Education Program or Activity

- The regulations define an “education program” or “activity” as including any location, event, or circumstance over which the district exhibits substantial control over *both* the alleged harasser and the context in which the harassment occurred.
- According to the DOE, the definition of sexual harassment does not make it dependent on the method by which it is carried out; use of e-mail, **the internet, or other technologies** may constitute sexual harassment as much as use of in-person, mail, handwritten, or other communications.
- **This likely applies the definition to virtual learning environments.**

Responding as a District

- Generally, a District must respond when:
 - 1) the school has actual knowledge of sexual harassment;
 - 2) that occurred within the school's education program or activity;
 - 3) against a person in the United States.

Responding as a School District: Notice

- Responding to a “notice” of sexual harassment is distinguished from responding to a “formal complaint.”
- Actual knowledge of sexual harassment requires a prompt response to avoid “deliberate indifference.”
- **A deliberately indifferent response is one that is clearly unreasonable under the known circumstances.**
- The grievance process must be followed before imposing disciplinary consequences on a respondent.
- **Supportive measures must be offered: non-disciplinary, non-punitive, individualized services, offered as appropriate and without charge to either a complainant or respondent.**



Sources of Liability

- Schools can be found liable through:
 - » **Civil Claims**
 - Accused students are more frequently turning to federal courts to claim due process violations during Title IX proceedings at public schools.
 - Victims may sue school's for failure to comply with Title IX procedures as well.
 - » **Undisclosed Settlements**
 - A consequence of this new legal landscape is that districts are settling civil lawsuits filed by students accused of sexual harassment.
 - » **Administrative Enforcement**
 - As part of its administrative enforcement powers, the OCR may conduct investigations, including conducting employee interviews, site-visits, and requesting documents and position statements.
 - Though the loss of federal funding is rare, it is not uncommon for OCR to issue corrective action to a District.

Current Landscape

- In 2011, the Obama Administration released guidance on Title IX compliance, prompted in part by various high-profile sexual assault and sexual violence cases occurring at colleges and universities.
- In 2017, Secretary of Education, Betsy DeVos revokes Obama-era guidance.
- In August 2020, the DoE releases the new Title IX regulations. In 2020, the U.S. Supreme Court's ruling in *Bostock v. Clayton County* found that "sex" includes an "individual's sexual orientation or gender identity".
- In 2021, the Biden Administration will take power. Future of the August 2020 Title IX Regulations uncertain.
- Caution: Much of the issues affecting the new regulations have not yet been addressed in the courts.

Summary of Changes

Title IX Coordinator

- Past regulations always required the district to designate a Title IX Coordinator.
- Now, ISDs must also “authorize” the Title IX Coordinator to coordinate a district’s efforts to comply with Title IX.
- **This employee must be known as the “Title IX Coordinator.”**
- Based on the new rules, ISDs should consider amending job titles and job descriptions to ensure compliance; the Title IX Coordinator must also have **sufficient authority and sufficient time** to carry out his/her duties and responsibilities.

Title IX Coordinator

- Person designated and authorized by District to coordinate efforts to comply with Title IX responsibilities.
- Must notify not only students and employees of Title IX Coordinator contact information but also:
 - » Applicants for admission and employment;
 - » Parents and legal guardians of elementary and secondary school students;
 - » All unions.
- Under **TASB model FFH grievance procedures**, the Title IX Coordinator is official recordkeeper of District's Title IX response, process, and records.

Record Keeping Obligations

- Regulations require that records must be maintained for a minimum period of seven years. This includes district's entire response and process.
- TASB model grievance procedures provide:
 - » *“Records related to the District’s entire response and process related to an allegation of sexual harassment must be maintained in accordance for with the District’s records control schedules or a minimum of seven years, whichever is longer.”*
 - » **Title IX Coordinator** charged with recordkeeping requirement under TASB model Title IX Procedures.

Notice to the School: Actual Knowledge

- The Final Rule requires a K-12 school to respond whenever **any** employee has notice of sexual harassment
- Any person (e.g., the alleged victim or any third party) may report to a Title IX Coordinator in person or by e-mail, phone, or mail.
- For all schools, notice to a Title IX Coordinator, or to an official with authority to institute collective measures on the recipient's (victim's) behalf, charges a school with actual knowledge and triggers the school's response obligations.


Notice to Title IX Coordinator & Notice to District Employees

- Notice of an allegation of sexual harassment, including allegation of such, to Title IX Coordinator or “**notice to any employee**” triggers the school’s response obligations.
- ***An elementary and secondary school must respond whenever any employee has notice of sexual harassment or allegations sexual harassment.***
- Training for District employees: **all district employees** must be trained to recognize an allegation of harassment & how to report it, including:
 - » Custodians
 - » Bus Drivers
 - » Paraprofessional


Policy and Notice Requirements

- The district must provide notice of its nondiscrimination policy and grievance procedures to applicants for admission and employment, students, parents/legal guardians, and teacher organizations holding agreements with the district (if any).
- The policy and procedure must include how to file or report sexual harassment and how the district will respond.
- These same groups must also be given notice of the Title IX Coordinator's name or title, **email address**, office address, and phone number.

What are supportive measures?



Non-punitive, individualized services, offered as appropriate and without charge to a complainant or a respondent before or after the filing of a formal complaint, or where no complaint has been filed (34. C.F.R. § 106.30(a)).



Should be designed to restore or preserve equal access to the education program or activity without “unreasonably” burdening the other party



Supportive Measures

- Similar to “interim measures” discussed in past administration guidance.
- Counseling, course modifications, schedule changes, increased monitoring or supervision, etc.
- The supportive measures must restore or preserve equal access to the education program or activity without “unreasonably” burdening the other party.
- **In practice, completely removing a respondent from an activity or program would likely be considered “punitive” and thus, likely not allowed!**

Examples of Supportive Measures



Counseling



Class or activity modifications



Schedule changes



Increased monitoring or supervision



Completely removing a respondent from an activity would likely be considered punitive, except for “emergency removals” for students and “administrative leaves” for employees.

Emergency Removal/Administrative Leave

- Immediate removal of a respondent from an education program or activity on an emergency basis is allowed.
- The ISD must conduct an individualized safety and risk analysis and determine that the emergency removal is necessary in order to **protect a student or other individual from an immediate threat to physical health or safety.**
- The ISD must still provide the respondent with notice and a chance to challenge the removal decision.

Emotional Health and Safety

- DoE distinguishes physical health and safety from emotional.
- Per DoE, the emergency removal is not appropriate to address emotional or mental health needs.
- Those needs would be better addressed by “supportive measures.”
- Both an emergency removal and supportive measures can be used in conjunction to avoid “deliberate indifference.”

Interplay with Existing Laws

- Emergency removal does not modify rights under the IDEA, Section 504, or the ADA.
- In other words, emergency removal of certain students may require the district to coordinate with special education staff.
- Placement issues under IDEA or Section 504 still exist.

Investigating a Title IX Complaint

- Process for Investigating a Title IX Formal Complaint

Title IX Process for Investigating Formal Complaint

Formal Complaint Filed

- Complaint may be filed by alleged victim or Signed by Title IX Coordinator.
- Formal complaint is not the same as an initial notification of inappropriate conduct that is sexual in nature.

District Receives Notice of Allegations in a Formal

- This notice will frame the parameters of the investigation.
- If additional allegations are made during the investigation process, **Title IX Coordinator must send additional notices.**

Title IX Coordinator Assigns an Investigator

- Must be unbiased and without conflict of interest.
- Investigator will not draw conclusions. Role is to gather evidence.
- Burden of gathering evidence lies with school, not with parties.

Interviews and Data Gathering

- Must provide notice with sufficient time for parties to prepare for interviews.
- Must afford each party the opportunity to submit written questions that the party wants asked of the other party or any witness.

Parties (and Advisors) Review of Evidence

- Both parties must be given opportunity to review all evidence prior to conclusion of investigation and be given at least 10 days to submit a written response.

Investigation Report Drafted

- Description of all evidence gathered
- Specific requirements as to content of report

Investigation Report Sent to Parties

- Each party must be provided investigative report for review and written response before final determination.
- Copy should be sent to Decisionmaker and Title IX Coordinator

Formal Complaint vs. Informal Complaint

- A formal complaint:
 - » document signed by a complainant (parent can sign for minor child), OR
 - » signed by the Title IX Coordinator; and
- Alleging sexual harassment;
- Against a respondent; and
- Requesting the school to investigate the allegation of sexual harassment.

Reporting and Receiving a Sexual Harassment Complaint

- ***Any person*** can make a report of sex discrimination.
- The reporter does not have to be the victim of the conduct constituting sexual harassment or sex discrimination.
- A report can be made at any time, **including non-business hours**.
- Formal complaint can be made in person, by email, or by mail.
- Initial notice of inappropriate conduct is not the same as a **formal complaint**.



Regulations Require Title IX Coordinator's Name, physical address, email address and telephone number to be prominently displayed on website.

Complainant

- A “complainant” is defined as the person who is alleged to be the victim of conduct that could constitute sexual harassment.
- The complainant may file a formal complaint with the Title IX Coordinator via email, mail, or other method made available by the ISD.
- The complainant must be participating in or attempting to participate in the education program or activity of the ISD that the formal complaint is filed with.
- The Title IX Coordinator may sign the complaint, but that does not make him/her a party in the grievance process.

No Third-Party Complainants

- **The new rules do not authorize a third-party reporter to file a formal complaint.**
- As mentioned, a Title IX Coordinator may sign a complaint and trigger an investigation to avoid “deliberate indifference.”
- In practice, this would look like an investigation under Board Policy Series FFH (to be examined later in this presentation).
- In practice, the new rules ensure that the victim has access to supportive measures and receives written notice of the steps of the grievance process, even if he/she is not a willing participant.

Respondent

- Like there is a complainant, there is also a respondent.
- A respondent is defined as the individual who has been reported to be the perpetrator of conduct that constitutes sexual harassment.

District Receives Notice of Allegations in a Formal Complaint.

- Notice contained in a formal complaint will frame the parameters of the investigation.
- If additional allegations are made during the course of the investigation process, the Title IX Coordinator must send additional notices.
- Formal Complaint triggers the investigation.
- If Complainant fails to submit a Formal Complaint, regulations allow for Title IX Coordinator to sign the complaint.
 - » Title IX Coordinator must document reasons for signing complaint.

Initial Response Duties of Title IX Coordinator

- Promptly contact the Complainant confidentially:
 - » Inform & discuss availability of supportive measures with or without filing formal complaint; and
 - » Consider the complainant's wishes with respect to supportive measures; and
 - » Supportive measures must be available with or without filing a complaint, and
 - » Explain the process of filing a formal complaint.

Investigations: Formal Complaints

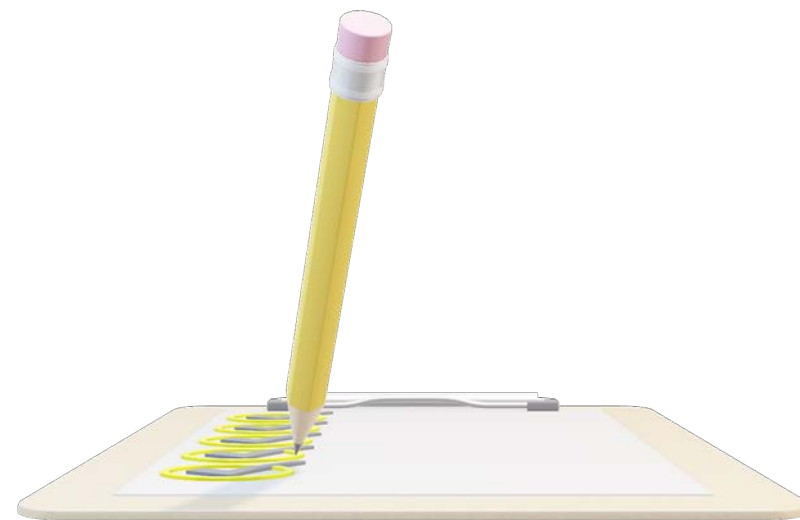
- Send written notice to both parties (Complaining Party & Respondent) of the allegations upon receipt of the formal complaint.
- Burden of gathering evidence is on the school, not on complainant or respondent.
- Provide equal opportunity for parties to present fact and expert witnesses and other inculpatory and exculpatory evidence.
- Schools may not restrict the ability of the parties to discuss the allegations or gather evidence. (i.e. no “gag orders”)

NOTICE TO BOTH PARTIES

- ☐ Description of allegations
- ☐ Presumption of innocence
- ☐ Both parties are entitled to advisor of choice
- ☐ Both parties have right to inspect & review evidence
- ☐ Opportunity to engage in informal resolution if both parties agree
- ☐ Standard of evidence (preponderance of the evidence / clear & convincing)
- ☐ Outcomes
- ☐ Student Code of Conduct
- ☐ Both parties have right to appeal

GRIEVANCE PROCEDURE REQUIREMENTS

- ☐ Treat parties equitably
- ☐ Description of range of supportive measures
- ☐ Objective evaluation of evidence
- ☐ Training of staff, no conflict of interest
- ☐ Presumption of innocence
- ☐ Reasonably prompt timeframes
- ☐ Standard of evidence
- ☐ Privileges
- ☐ Range of outcomes
- ☐ Right to appeal



Collection of Evidence

- Maintain all evidence that is submitted by the parties or obtained as part of the investigation that is directly related to the allegations raised in the formal complaint. This includes, but is not limited to:
 - » The investigative report prepared by the assigned investigator;
 - » Exhibits, including party responses to the Final Draft Report;
 - » Documentary evidence (witness statements, text messages, social media posts, photos, videos, etc.);
 - » Includes evidence which District's decision-maker may choose not to rely on when reaching a determination regarding responsibility;
 - » Includes inculpatory and exculpatory evidence.

EVIDENCE

Evidence: Information available to Title IX investigator.

- Every Title IX formal complaint will involve the collection and review of “evidence” from Complainant, Respondent, and often times other witnesses.
- Regulations require evidence to be “relevant”.
- Objective evaluation of all evidence, including inculpatory and exculpatory.
- Evidence must be evaluated for weight, credibility and persuasiveness.
- Courtroom and legal standards of evidence do not apply.

TYPES OF EVIDENCE

- **Physical Evidence**: Objects or things used to prove an incident occurred. Examples: injuries, bruises, scratches.
- **Documentary Evidence**: Information/evidence that is written down, on paper or electronically. Examples: Emails; Text messages; class or attendance records; police reports; medical records.
- **Verbal Evidence**: Oral report of memories of a witness' experiences or observation related to the events/allegations under investigation. Examples: Verbal report of Complainant; Verbal report of Respondent; Verbal report of employee.
 - » Title IX regulations do not prevent relevant hearsay evidence from being gathered by an investigator and including such information in the Title IX investigation report.

Direct v. Circumstantial Evidence

- **Evidence in a Title IX Sexual Harassment investigation can be “direct” or “circumstantial.”**
- Direct Evidence: Does not require drawing a conclusion or inference to show that something happened.
 - » *“I was in the classroom and saw Johnny push Susie into the corner and kiss her on the mouth. I heard Susie say “Stop!” but Johnny kept on kissing her until Susie kicked him and ran out of the room crying.”*
- Circumstantial Evidence: Requires drawing conclusion or inference based on circumstances to show something happened.
 - » “I was walking towards the classroom when I heard Susie say “Stop it Johnny!” and then Susie ran out of the classroom crying. Then I saw Johnny holding onto his knee saying “Ouch!”
- The first instance the witness saw what happened. In the second instance, we can infer that something happened between Susie and Johnny and can infer that Johnny was struck by Susie in self-defense.

RELEVANT OR IRRELEVANT ?

- **Title IX Regulations require only relevant evidence may be considered when making a determination of responsibility.**
- Regulations do not define relevance. Generally, in the law, relevance is defined as “Evidence tending to prove or disprove an alleged fact”.
 - » **Irrelevant Evidence:** The quality or state of being inapplicable or impertinent to a fact or argument; consisting of statements that are not material to the decision of the case. Facts that do not have the potential to describe or explain an incident under investigation.
 - Evidence about a complainant’s **prior sexual behavior** is “deemed irrelevant” unless:
 - Offered to prove someone other than Respondent committed the alleged misconduct; or
 - Offered to prove consent.
 - Referred to in Title IX regulations as “Rape Shield Protection.”

Rape Shield Protections - Scenario

- Complainant reports that he was sexually assaulted by a classmate, also a male, in a school bathroom. As part of the investigation, Respondent submits witness statements from other students who claim that the Complainant regularly has sex in the school bathroom and has a reputation for sleeping with lots of different guys. This information is being offered to show the sexual encounter between the Complainant and Respondent was consensual.

Relevancy and Rape Shield Protections Analysis

- Step 1:** Review the evidence being offered.
- Step 2:** Review and consider the allegations contained in the Formal Title IX Complaint.
- Step 3:** Does the evidence/information being offered have the potential to prove or disprove or explain the allegations in the Title IX Complaint?
- Step 4:** Does the evidence/information fall into the Rape Shield Protections or Exceptions?

I am a campus administrator, not an attorney or detective. How do I determine whether the evidence is relevant?

1. Review and consider the evidence/ information that is offered.
2. Review and consider the allegations written in the Formal Title IX Complaint.
3. Ask whether the evidence being offered has the potential to prove or explain or disprove any of the allegations under investigation.

Standard of Evidence & Written Determination

- Grievance process must state the standard of evidence that will be used to determine responsibility.
 - » TASB model policy / grievance process uses ***preponderance of the evidence standard***.
 - » Schools must use the same standard for all formal complaints, ***whether the respondent is a student or employee***.
- Decision maker must issue a written determination regarding responsibility:
 - » Must include findings of fact
 - » Conclusions about whether the alleged conduct occurred;
 - » Rationale for result as to each allegation;
 - » Disciplinary sanctions imposed on respondent
 - » Whether remedies will be provided to complainant
 - » Include how to appeal the determination
 - » Send to both parties simultaneously

Preponderance of the Evidence v. Clear and Convincing

- Standards of Burden of Proof:
 - » **Preponderance of the Evidence** means there is more than a 50% chance that a plaintiff's claims are true. The burden of proof is satisfied by demonstrating a claim is more likely to be true than not true.
 - » **Clear and Convincing** requires a higher standard of proof to be met. This means evidence presented by a party during the trial must be highly and substantially more probable to be true than not and the trier of fact must have a firm belief or conviction in its factuality.

What Goes into the Investigative Report?

- REPORT will contain: ALL evidence relevant to the allegations in the formal complaint (inculpatory and exculpatory)
- EXHIBITS will contain: ALL EVIDENCE *relevant* to the complaint and ALL EVIDENCE *directly related* to the complaint that the investigator determines is not relevant.

What Goes into the Investigative Report?

- Investigator does get to decide what is relevant. Investigator is obligated to gather evidence directly related to the allegations whether or not the [school] intends to rely on such evidence (for instance, where evidence is directly related to the allegations but the recipient's investigator does not believe the evidence to be credible and thus does not rely on it.) The parties may then inspect and review the evidence directly related to the allegations. The investigator must take into consideration the parties' responses and determine what evidence is relevant and summarize the relevant evidence in the investigative report. *See pages 814-815 of Preamble to Rule.*

What Goes into the Investigative Report?

- The parties then have equal opportunity to review the investigative report; if a party disagrees with an investigator's determination about relevance the party can make that argument in the party's written response to the investigative report under Section 106.45(b)(5)(vii). The decision-maker is obligated to objectively evaluate all relevant evidence and the parties have the opportunity to argue about what is relevant (and about the persuasiveness of relevant evidence). *See pages 814-815 of Preamble to Rule.*

Privacy Considerations

- School may not access or use privileged information unless the school obtains the party's voluntary, written consent to do so. Such records include:
 - » Medical records;
 - » Psychological records;
 - » Other similar treatment records.

Publishing Requirements

- Prior to the completion of the investigative report, the recipient must send to each party and the party's advisor, if any, the evidence subject to inspection and review;
- Parties have 10 days to submit a written response, which the investigator must consider prior to completion of the investigation report.

Title IX Process for Formal Complaint Decision Making

Investigation Report Received from Investigator

- Decision maker must be unbiased and free from conflict of interest.
- Decision maker cannot be the person who investigated the complaint.

Examination of Investigation Report

- Includes objective analysis of report as well as code of conduct
- Decisionmaker should consider remedies designed to restore or preserve equal access to school's programs and activities

Written Determination

- Identify allegations
- Describe procedural steps taken
- Findings of Fact
- Conclusions regarding application of code of conduct to facts
- Statement of, and rationale for, result of each allegation
- Procedure for appeal

APPEALS

- Schools must offer both parties the opportunity to appeal a determination regarding responsibility and from a school's dismissal of a formal complaint or any allegations, therein on the basis of:
 - » Procedural irregularity affecting the outcome of the matter;
 - » Newly discovered evidence that could affect the outcome of the matter;
 - » Title IX personnel had a conflict of interest, or bias that affected the outcome of the matter.
 - » Any other bases decided by school so long as both complainant and respondent are offered an appeal, equally.

Dismissing Claims of Sexual Harassment and Sexual Discrimination

- New rules ***require*** schools to dismiss allegations of conduct that do not meet the Final Rule's ***definition of sexual harassment*** or ***did not occur in a school's education program or activity*** against ***a person in the U.S.***

Dismissal of a Formal Complaint

Mandatory Dismissal

- Behavior does not constitute sexual harassment
- Did not occur in educational program or activity
- Did not occur in U.S.

Discretionary Dismissal

- Complainant withdraws formal complaint
- Respondent no longer enrolled/employed
- Insufficient evidence
- Complainant no longer has involvement with District

What about Informal Complaints? How does the District respond?

- School has duty to seek a “prompt and equitable resolution.”
- Offer supportive measures.
- Document District’s response.
- See TASB Model Title IX Complaint Procedures
 - » Designed for use regarding allegations against a student
 - » Process for informal resolution
 - » If a formal complaint filed, other than a complaint alleging sexual harassment of a student by an employee, & prior to determination of responsibility, Title IX Coordinator may offer, but not require a party to participate in a voluntary resolution process.

Informal Resolutions

- Schools may choose to offer informal resolution and facilitate options such as mediation or restorative justice.
 - » Both parties must consent in writing;
 - » Decision by parties must be informed;
 - » Decision must be voluntary.
- Person handling the informal resolution must be well-trained.
- Schools can't require waiver of formal investigation as a condition of employment, admission, or any other right.
- Parties have the right to withdraw from informal process and engage in formal complaint process.
- Not an option in cases where employee is alleged to have sexually harassed a student.

Bullying Response Policies

- Although DoE requires investigation of sexual harassment allegations, it does not provide guidance in the new rules of the investigation requirements for allegations that do not implicate sexual harassment.
- However, districts still have Board Policy Series FFI on freedom from bullying, with its own investigations.

Sample Website Posting Regarding Title IX Compliance

The following information is provided in response to 34 C.F.R. Part 106.8 of the 2020 Title IX Regulations, mandating notice of a nondiscrimination policy and adoption and publication of grievance procedures that provide for the prompt and equitable resolution of student and employee complaints. In accordance with Title IX, the district does not, and is required not to, discriminate on the basis of sex in its educational programs or activities. The requirement not to discriminate extends to employment. As a school district serving students in kindergarten through grade 12, the district is not subject to provisions in Title IX Regulations (Subpart C) prohibiting discrimination on the basis of sex in admissions and recruitment. However, the district does not discriminate on the basis of sex in admissions or transfer requests. The district has designated and authorized the following employee as the Title IX Coordinator to address concerns or inquiries regarding discrimination on the basis of sex, including sexual harassment, sexual assault, dating violence, domestic violence, stalking, and gender-based harassment:

[Insert below the name or title and contact information of the district employees designated and authorized to coordinate the district's efforts to comply with Title IX. Ensure this information matches the information provided at FFH(EXHIBIT) and DIA(EXHIBIT).]

- Title IX Coordinator: _____
- Physical Address: _____
- Email Address: _____
- Telephone Number: (_____) _____
- Any individual may report sex discrimination, including sexual harassment, at any time, including during non-business hours, by mail, phone, or email. Reports can also be made: ***[Insert here any additional means of contact or reporting methods if the District also provides other methods of contact, such as online submission forms, mobile applications, etc.]***
- During district business hours, reports may also be made in person.
- To view an electronic copy of the District's Title IX policies, FFH(LEGAL) and (LOCAL) and DIA(LEGAL) and (LOCAL), please go to: _____ ***[insert]***

Training

Mandatory Training Required of Title IX Personnel

- Title IX personnel must receive training as follows:
 - » Definition of “sexual harassment”;
 - » Scope of school’s education program or activity;
 - » How to conduct an investigation and grievance process;
 - » How to serve impartially;
 - » How to avoid conflicts of interest and bias;
 - » Issues of relevance of questions and evidence;
 - » Creating an investigative report that fairly summarizes relevant evidence.

Mandatory Training

- All materials used to train Title IX personnel:
 - » Must not rely on sex stereotypes;
 - » Must promote impartial investigations and adjudications of formal complaints of sexual harassment;
 - » Must be maintained by the school for at least 7 years;
 - » Must be publicly available on the school's website; if the school does not maintain a website the school must make the training materials available upon request for inspection by members of the public.

Documentation

- Document and keep records of all sexual harassment reports and investigations;
- Any appeal and the result therefrom;
- Any informal resolution and the result therefrom;
- All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process;
- For a period of seven years, any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment.



QUESTIONS?

End of Presentation

Thank You!

