TITLE IX SOLUTIONS, LLC

TITLE IX COORDINATOR & INVESTIGATOR TRAINING

October 1, 2026

Williamstown, Massachusetts



AGENDA

COORDINATORS & INVESTIGATORS

9:00 - 9:10	Welcome and Introductions
9:10 - 9:45	Introduction to Title IX
9:45 - 10:30	Overview of the Title IX Regulations
10:30 - 11:00	Understanding Trauma and Bias
11:00 -11:15	Break into Role-Specific Training

AGENDA

INVESTIGATORS

11:15- 12:00	Investigation Planning & Design
12:00 - 1:00	Lunch
1:00 - 2:40	Investigative Interview Techniques
2:40 - 2:55	Break
2:55 -4:15	Preparing an Investigative Report
4:15 - 4:30	Re-Group & Training Debrief

AGENDA

COORDINATORS

11:15- 12:00	Reports, Incident Evaluations & Intake
12:00 - 1:00	Lunch
1:00 - 1:45	Start of the Process & Investigation
1:45 - 2:40	Decision-Making Process and Appeals
2:40 -2:55	Break
2:55 -3:45	Informal Resolution
3:45 -4:15	Compliance Beyond the Process
4:15 - 4:30	Re-Group & Training Debrief

SPEAKERS



LIN-CHI WANG

HEARING OFFICER, INVESTIGATOR & ADVISOR



SUSANNA MURPHY

LEAD INVESTIGATOR & ADVISOR



ATTENDEE INTRODUCTIONS

1. Name
2. Institution
3. Role in Title IX/Training Track
4. What you are most looking forward to today



What is said here stays here, what’s is learned here leaves here.

TITLE IX SOLUTIONS

A BIG THANK YOU

TO WILLIAMS COLLEGE FOR HOSTING THIS TRAINING!

Williams College

LABBB Educational Collaborative

Saint Joseph's College of Maine

Mount Wachusett Community College

TO ALL OF YOU TRAVELING TO ATTEND THIS TRAINING!

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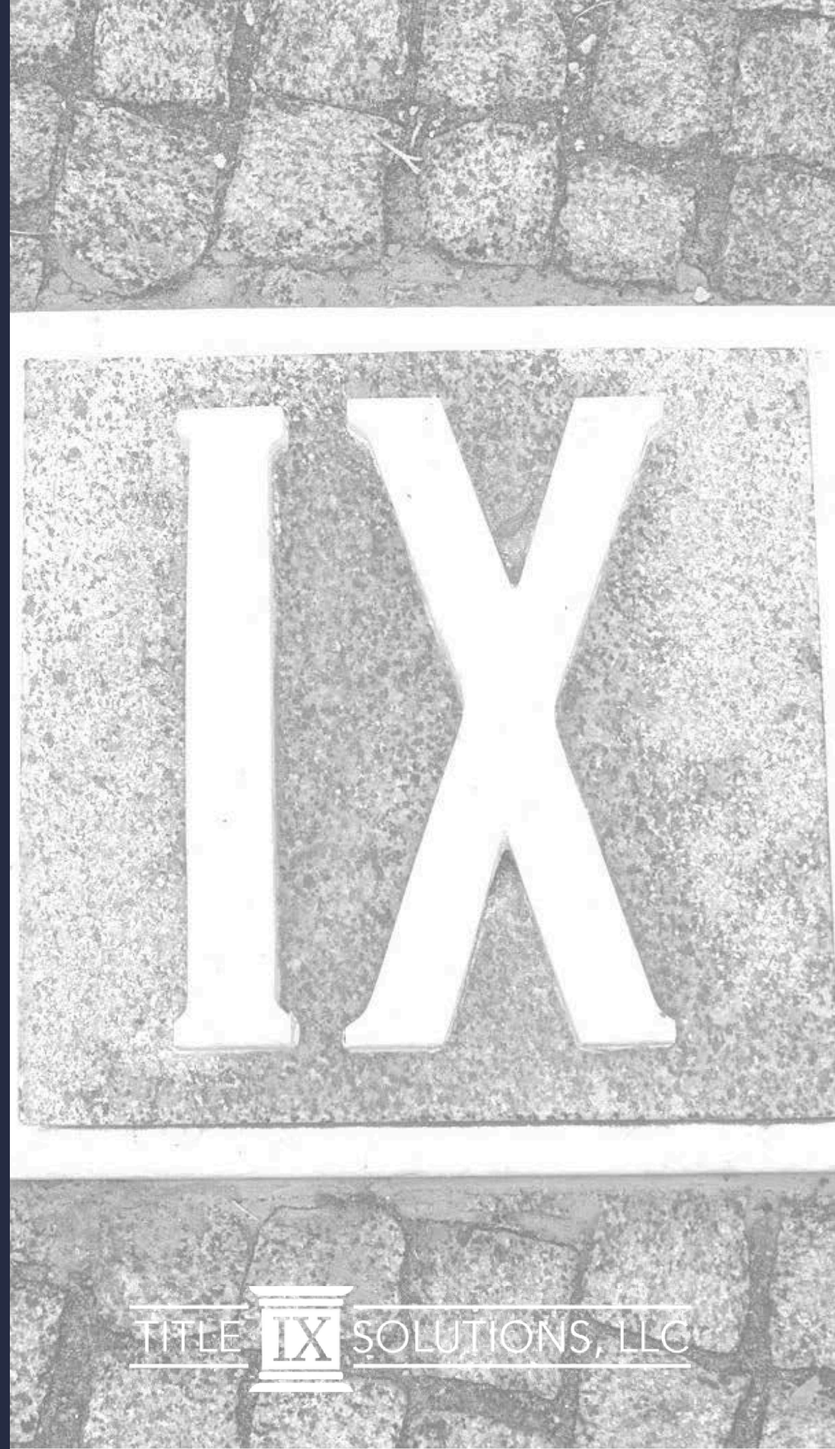
AN INTRODUCTION TO TITLE IX



IN THIS SESSION



HISTORY OF
TITLE IX



TITLE IX
DEFINITIONS



PARTICIPANTS IN THE
TITLE IX PROCESS

HISTORY OF TITLE IX



Title IX of the Education Amendments of 1972

> “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(a)

CREATION OF TITLE IX

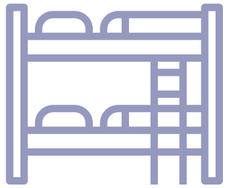
Followed the Civil Rights Act of 1964 to address discrimination on the basis of sex

Created and enacted for educational institutions (K to Postsecondary)

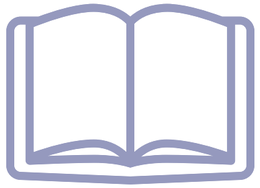
Designed initially to address inequities in:



Admissions



Residence Life



Academic Opportunities



Extracurricular Activities

BRIEF HISTORY OF TITLE IX



JUNE 23, 1972

Title IX becomes law and addresses sex-based discrimination



APRIL 4, 2011

Guidance expands Title IX to include sexual harassment, dating and domestic violence, sexual assault, and stalking



AUGUST 14, 2020

New regulations go into effect, requiring all educational institutions to follow specific procedures in response to sexual harassment

TITLE IX COVERAGE

POSTSECONDARY INSTITUTIONS

Includes:

- Undergraduate schools
- Graduate schools
- Vocational schools
- Professional schools/programs

ELEMENTARY & SECONDARY SCHOOLS

Includes:

- Preschools and Pre-K programs
- Private elementary and secondary schools
- Charter schools

COMPLIANCE WITH THE REGULATIONS

RECIPIENTS MUST COMPLY WITH THE REQUIREMENTS OF TITLE IX AS OUTLINED UNDER THE REGULATIONS.

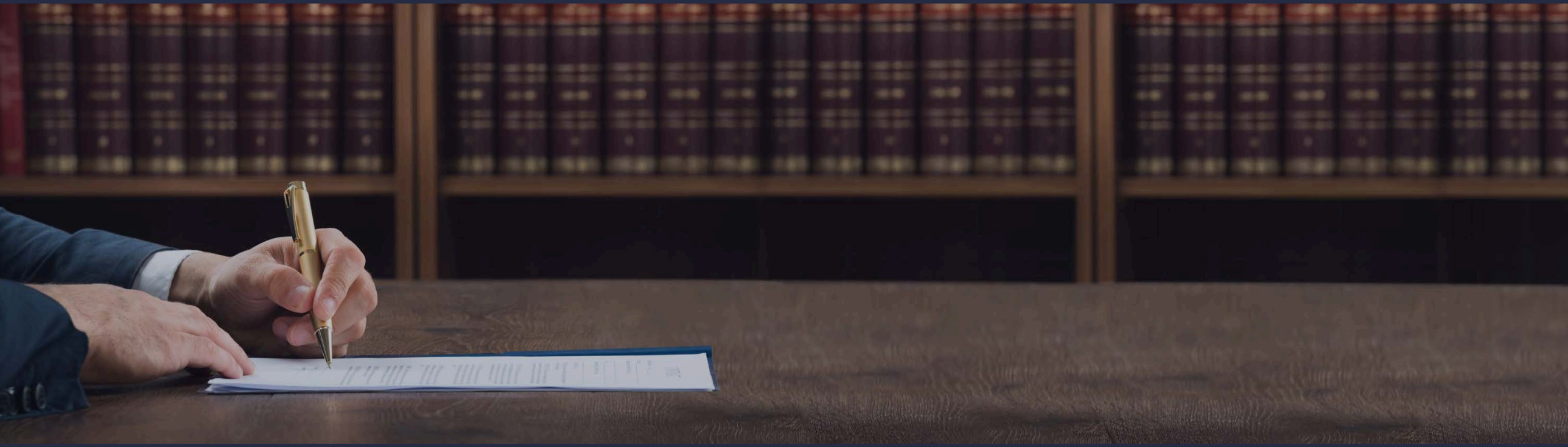
Recipients may:

- Provide guidelines, policies or protocols through their codes of conduct beyond the scope of the regulations;

and/or

- Provide details regarding policies or procedures which are not addressed in the regulations

TITLE IX DEFINITIONS



WHAT IS A RECIPIENT?

§106.2

Definitions

"Any State or political subdivision thereof, or any instrumentality of a State or political subdivision thereof, any public or private agency, institution, or organization, or other entity, or any person, to whom Federal financial assistance is extended directly or through another recipient and which operates an education program or activity which receives such assistance, including any subunit, successor, assignee, or transferee thereof."

ACTUAL KNOWLEDGE

§ 106.30 Definitions

"Notice of sexual harassment or allegations of sexual harassment to a recipient's Title IX Coordinator or any official of the recipient who has authority to institute corrective measures on behalf of the recipient, or to any employee of an elementary and secondary school"

- Does not need to be a written statement or a formal complaint
- May be conveyed by any person, not just the Complainant
- May be "written or oral, by observation, via a newspaper article or other means"



Postsecondary Institutions - reporting to Title IX Coordinator always constitutes actual knowledge

Elementary and Secondary Institutions - reporting to ANY employee constitutes actual knowledge

EDUCATION PROGRAM OR ACTIVITY DEFINED

§ 106.11
Application

Recipient's education program or activity includes but is not limited to conduct that occurs in a building owned or controlled by a student organization that is officially recognized by a postsecondary institution, and conduct that is subject to the recipient's disciplinary authority.

- School may offer supportive measures if harassment occurred outside of the educational program or activity
- School's responsibility is limited under Title IX regulations, though conduct outside of this jurisdiction may be addressed by Code of Conduct or other policies
- Schools must make fact-specific determinations regarding substantial control over the respondent and the context

RECIPIENT'S RESPONSE

Schools must not act in a manner that is deliberately indifferent, meaning:

"...clearly unreasonable in light of the known circumstances."

SCHOOL'S REQUIRED RESPONSE

PROMPT AND EQUITABLE GRIEVANCE PROCEDURES



Sex Discrimination



Sexual Harassment

(§106.45)

ALWAYS REFER TO YOUR SCHOOL'S TITLE IX POLICY!

REPORT VS. COMPLAINT

REPORT

- May allege sexual harassment, sex discrimination, or sexual misconduct
- May be written or oral
- May be submitted by any person, not just the alleged victim
- May be anonymous
- May be made at any time
- May be made in person or by mail, phone, email or any other means

FORMAL COMPLAINT

- Required for initiation of the Title IX grievance process
- Can be oral or written
- Cannot be filed anonymously or by a third-party
- Request to the school that **objectively can be understood** as a **request for the school to investigate** and make a determination

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REMINDER:



MAKING A REPORT OR A COMPLAINT TO YOUR INSTITUTION OR CONFIDENTIAL RESOURCE IS NOT EQUIVALENT TO FILING CHARGES WITH LAW ENFORCEMENT.

SUPPORTIVE MEASURES

WHAT?

- Non-disciplinary, non-punitive services offered to the Complainant & Respondent
- Includes measures designed to protect the safety of all Parties or the school's educational environment, or to deter sex discrimination and sexual harassment

WHEN?

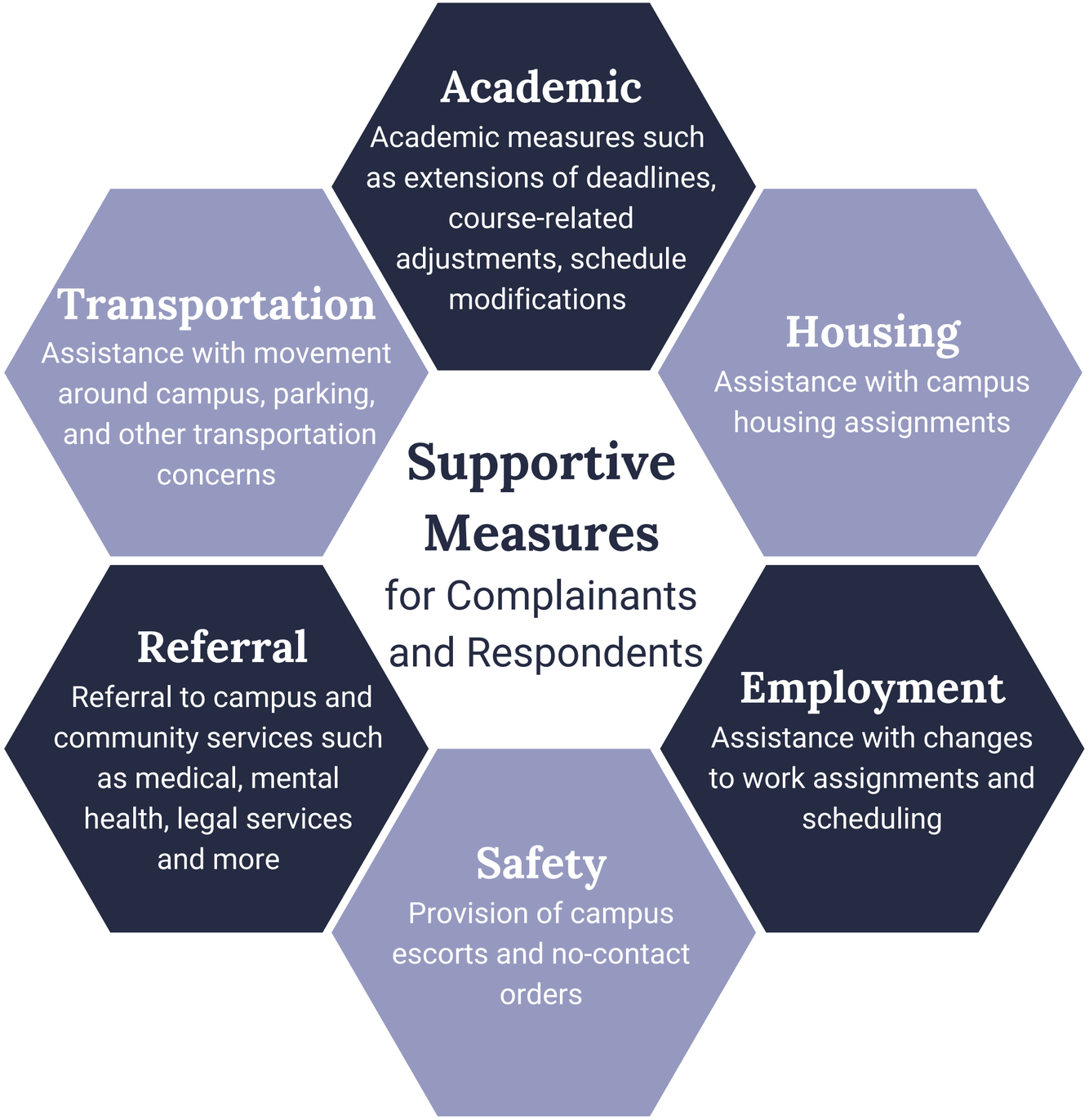
- Available before or after filing a complaint or where no complaint has been filed

WHY?

- Offered without fee or charge to the Complainant or Respondent; as appropriate and reasonably available

HOW?

- Designed to restore or preserve equal access to the school's education program or activity without unreasonably burdening the other party


Academic
Academic measures such as extensions of deadlines, course-related adjustments, schedule modifications
Housing
Assistance with campus housing assignments
Employment
Assistance with changes to work assignments and scheduling
Safety
Provision of campus escorts and no-contact orders
Referral
Referral to campus and community services such as medical, mental health, legal services and more
Transportation
Assistance with movement around campus, parking, and other transportation concerns
Supportive Measures
for Complainants and Respondents

AMNESTY PROVISION

- Not required under Title IX but often included in the policy to encourage reporting
- Individuals may not be subject to disciplinary action for a minor violation of other school polies (e.g., Code of Conduct) when participating in a Title IX investigation

SCENARIO



Sam is a college freshman and was sexually assaulted at a house party. Sam had been drinking heavily and is scared to report the assault as they are underage.

CONFIDENTIALITY

- Explicitly stated in Title IX
- Identities of the reporting parties, Complainants, Respondents, and Witnesses are to remain confidential
  - Identities of these individuals will be known to the individuals conducting the Title IX process

RETALIATION

- Intimidation, threats, coercion, or discrimination against any individual for either of the following reasons:
  - Interfering with any right or privilege under Title IX
  - Because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX

RETALIATION

All persons are prohibited from retaliating against reporting parties, Complainants, Respondents, Witnesses, and others who participate in the Title IX process.



EXAMPLE ONE:

Friends of the Complainant intimidating the Respondent, or vice versa.



EXAMPLE TWO:

School personnel discriminating against an individual for refusing to participate in the Title IX process.

REMEDIES AND SANCTIONS

REMEDIES

- Offered to Complainants
- Designed to restore or preserve equal access to the school's education program or activity
- May be the same as supportive measures
- DO NOT need to be "non-punitive" or avoid burdening the respondent

- Available after the grievance process is complete
- List or range of remedies and sanctions should be listed in policy

SANCTIONS

- Issued to Respondents found responsible for violating the school's sexual harassment policy, following the conclusion of the Title IX grievance process

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EDUCATION PROGRAM OR ACTIVITY

THE EDUCATIONAL PROGRAM OR ACTIVITY INCLUDES ALL OPERATIONS OF THE SCHOOL, BOTH ON OR OFF CAMPUS.

- Includes locations, events, or circumstances over which the school exercises substantial control over both:
  - The Respondent, and
  - The context in which an incident of sexual harassment occurs
- Includes any building owned or controlled by student organizations which are officially recognized by the school (including fraternity & sorority houses)
- Includes computer and internet networks, digital platforms and computer hardware or software owned or operated by, or used in the operations of the school

STANDARD OF PROOF

STANDARD USED TO DETERMINE WHETHER OR NOT A SEXUAL HARASSMENT POLICY VIOLATION OCCURRED.

Preponderance of the Evidence

- Evidence demonstrates it is “more likely than not” the alleged conduct or policy violation occurred
- Greater than 50% chance a policy violation occurred

Clear and Convincing

- Evidence is highly and substantially more likely to be true than untrue
- A higher standard of evidence to meet when compared to the “preponderance of the evidence” standard

STANDARD OF PROOF

Preponderance of the Evidence

Anything that tips the scale to more than 50/50

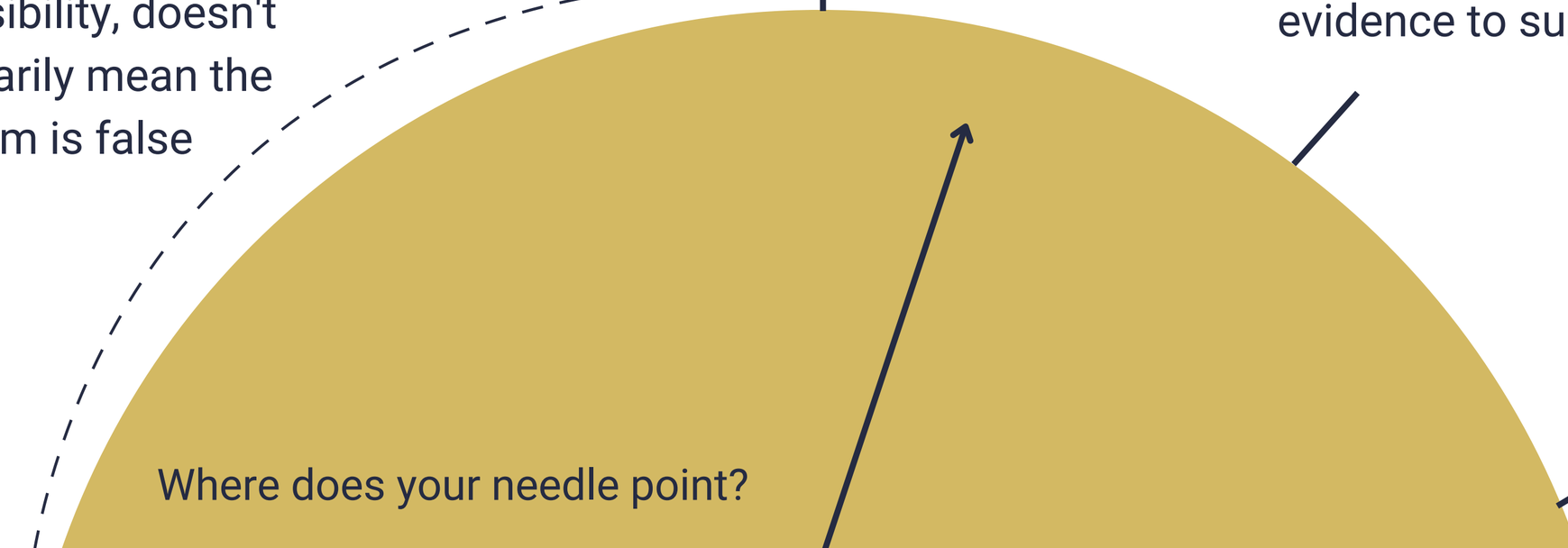
Not enough evidence to support a finding of responsibility, doesn't necessarily mean the claim is false

Clear and Convincing

More likely to be true than untrue, substantial evidence to support

Beyond a Reasonable Doubt

Criminal court standard, overwhelming amount of evidence to support



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PARTICIPANTS IN THE TITLE IX PROCESS



OVERVIEW

TITLE IX PERSONNEL VARY, DEPENDING UPON SEVERAL FACTORS:

- Institution size
- Institution type
  - K-12
  - Community/two-year colleges
  - Four year colleges and universities
  - Public/private
- Institution structure and resources
  - Organizational charts and reporting
  - Full-time/part-time
  - Budget



TITLE IX PERSONNEL

EXCEPT FOR THE TITLE IX COORDINATOR, TITLE IX PERSONNEL MAY BE INTERNAL OR EXTERNAL.



Title IX Coordinator



Deputy Coordinators



Title IX Investigator



Decision-Maker



Informal Resolution Facilitator



Advisor



Appellate Decision-Maker

TITLE IX COORDINATOR

EVERY SCHOOL MUST HAVE A DESIGNATED TITLE IX COORDINATOR.

CAN

- Serve as the Title IX Investigator
- Serve as the Informal Resolution Facilitator
- Have other roles on campus
  - Dean of Students, Director of Human Resources, etc.

CANNOT

- Serve as the Title IX Decision-Maker
- Serve as the Appeals Decision-Maker

TITLE IX COORDINATOR



Ensure Compliance



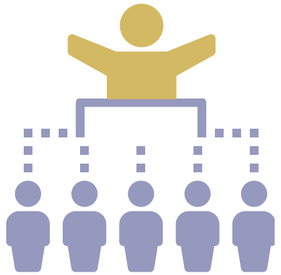
Monitors barriers to reporting



Receive reports



Training



Oversees grievance procedures



Offers supportive measures



Creates policy and procedures



Determine initiation of complaint

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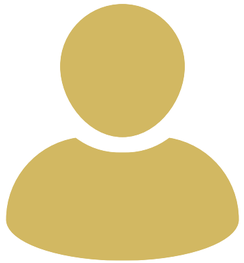
TITLE IX INVESTIGATOR

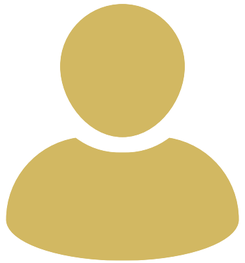


MAY BE THE TITLE IX COORDINATOR, OTHER SCHOOL EMPLOYEE, OR INDEPENDENT CONTRACTOR.

RESPONSIBILITIES:

- Collects evidence and interviews the Parties and Witnesses
- Provides all evidence to the Parties and their Advisors for inspection and review
- Creates an investigative report that fairly summarizes relevant evidence
- Sends the investigative report to the Complainant, Respondent, Advisors, and Decision-Maker

TITLE IX DECISION-MAKER



MAY BE A SINGLE DECISION-MAKER OR A HEARING PANEL, SCHOOL EMPLOYEE(S), OR INDEPENDENT CONTRACTOR(S).

RESPONSIBILITIES:

- Oversees and facilitates the Title IX adjudication process, including a hearing if the school has one
- Supervises the conduct of the involved Parties and their Advisors
- Determines the relevance of evidence and questions presented during the credibility assessment process
- Drafts and issues the written determination regarding responsibility
- Issues sanctions when appropriate

APPELLATE DECISION-MAKER

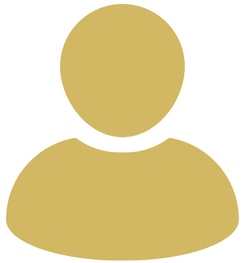
MAY BE A SINGLE APPELLATE DECISION-MAKER OR APPELLATE PANEL, SCHOOL EMPLOYEE(S), OR INDEPENDENT CONTRACTOR(S).

RESPONSIBILITIES:

- Reviews the appeal from the Party & the other Party's response (if any)
- Drafts and issues the final determination

Specific appellate procedures vary at every school, so refer to the school's policy for details.

INFORMAL RESOLUTION FACILITATOR



MAY BE A SCHOOL EMPLOYEE, OR INDEPENDENT CONTRACTOR. CAN BE THE TITLE IX COORDINATOR.

RESPONSIBILITIES:

- Provides information to the Parties and Advisors about the informal resolution process
- Various forms of informal resolution may be available
- Facilitates the informal resolution process
- Drafts informal resolution settlement agreements at the conclusion of the process (if the complaint is resolved)

ADVISOR

COMPLAINANT AND RESPONDENT HAVE THE RIGHT TO AN ADVISOR OF THEIR CHOICE.



An Advisor may be, but is not required to be, an attorney.



A party's Advisor may be a friend, teacher, parent, professor, etc.

- School must provide an Advisor for the live hearing if a Party does not have one present
- School cannot limit the choice or presence of the Advisor for either Party in any meeting
- Parties have the option to include the Advisor in any meeting or investigative interview
- Schools may set specific expectations or provide guidelines for Advisors to follow during meetings, investigative interviews, and the hearing

TITLE IX PERSONNEL



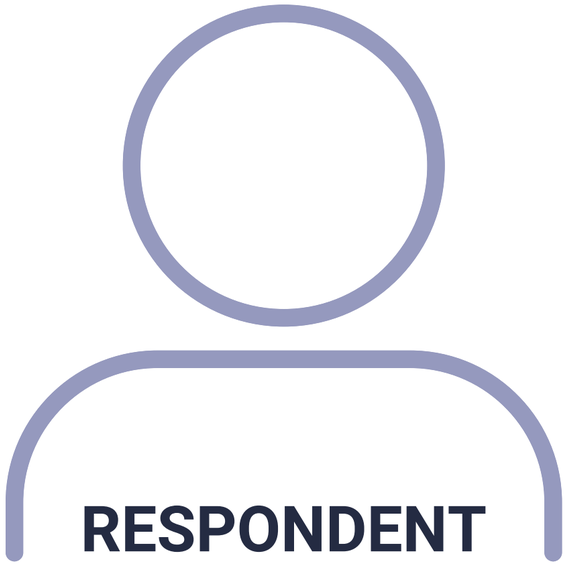
Recipients have the flexibility to use their own employees or external Title IX Investigators, Adjudicators, or Informal Resolution Facilitators

PARTIES IN THE PROCESS

ASIDE FROM THE TITLE IX PERSONNEL WHO TAKE PART IN THE FACILITATION OF THE GRIEVANCE PROCESS, WE WILL ALSO SEE THESE INDIVIDUALS INVOLVED:



COMPLAINANT



RESPONDENT



WITNESS

COMPLAINANT

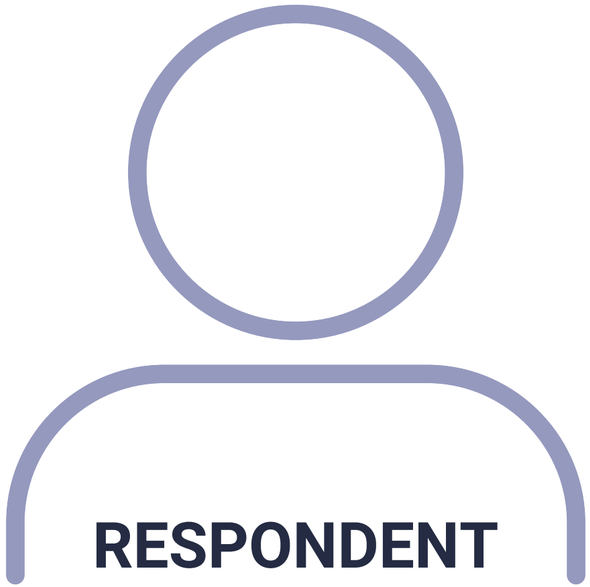
ALLEGED TO BE THE VICTIM OF CONDUCT THAT COULD CONSTITUTE SEXUAL HARASSMENT



- May be a student, employee, or other community member
- Must be participating in or attempting to participate in the school's education program or activity with which the complaint is filed
- There may be more than one Complainant in a case

RESPONDENT

REPORTED TO BE THE ALLEGED PERPETRATOR OF CONDUCT THAT COULD CONSTITUTE SEXUAL HARASSMENT.



- May be a student, employee, community member, or non-community member
  - The school's ability to respond to incidents perpetrated by non-community member Respondents may be limited
- School may dismiss the complaint if the Respondent is no longer enrolled or employed by the school
- There may be more than one Respondent in a case

WITNESS

INDIVIDUALS THAT ARE IDENTIFIED IN THE GRIEVANCE PROCESS AS HAVING INFORMATION THAT MAY SUPPORT OR REFUTE ALLEGATIONS OF SEXUAL HARASSMENT.



- May be identified by the Complainant, Respondent, or institution
- Could have first-hand knowledge regarding allegations or may have other information that could be helpful in an investigation
- There may be multiple witnesses in a case

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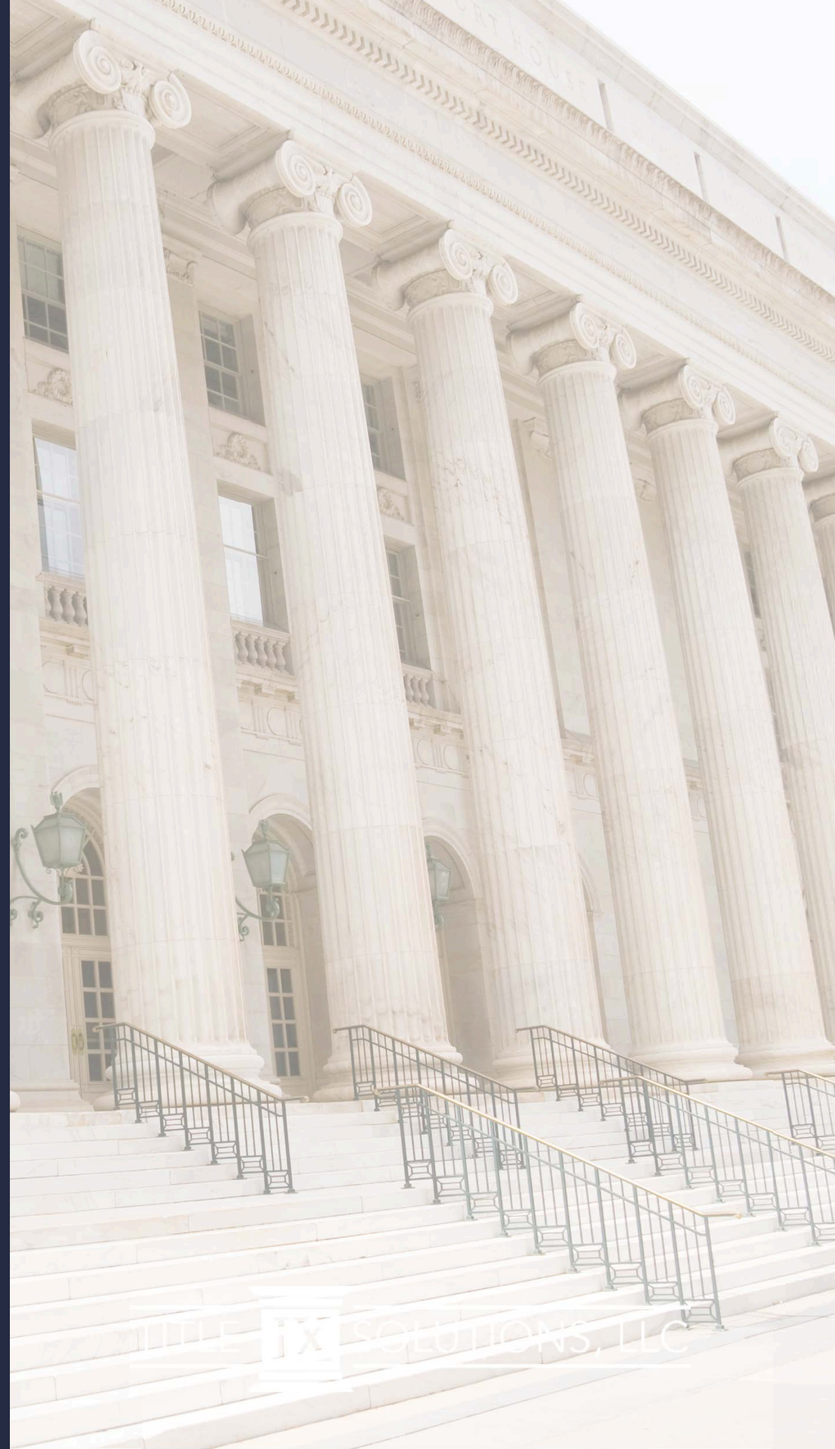
OVERVIEW OF THE TITLE IX REGULATIONS



IN THIS SESSION



INTRODUCTION TO THE TITLE IX REGULATIONS

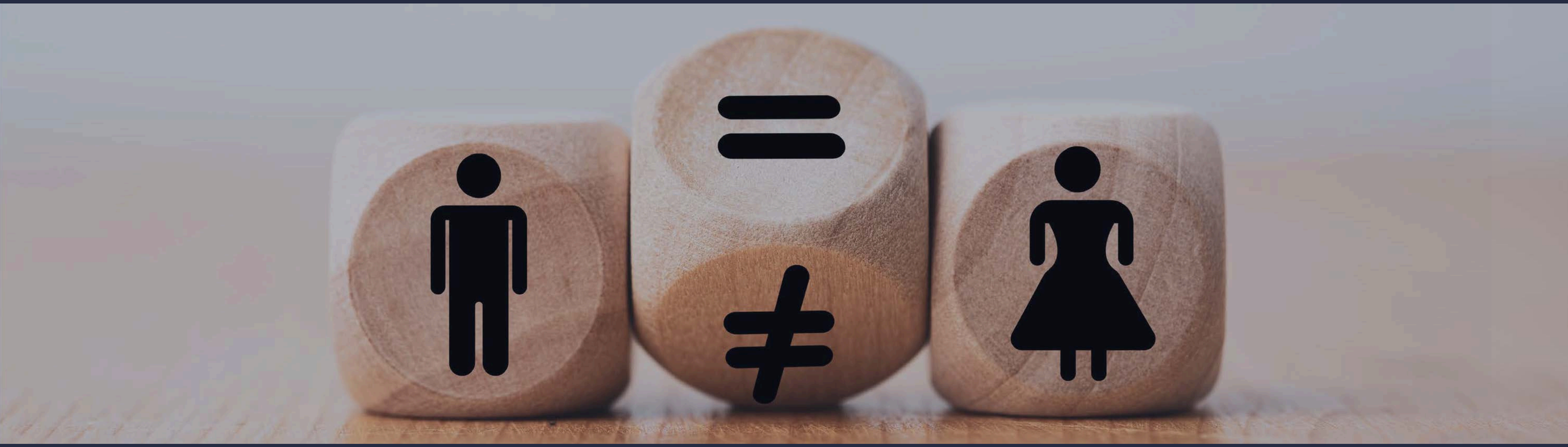


SEXUAL HARASSMENT AND RECIPIENT RESPONSE



TITLE IX GRIEVANCE PROCESS FOR FORMAL COMPLAINTS

INTRODUCTION TO THE TITLE IX REGULATIONS



TITLE IX SOLUTIONS

WHEN IS SEXUAL HARASSMENT ACTIONABLE?



When it denies a person equal access to education

RECIPIENT'S RESPONSE

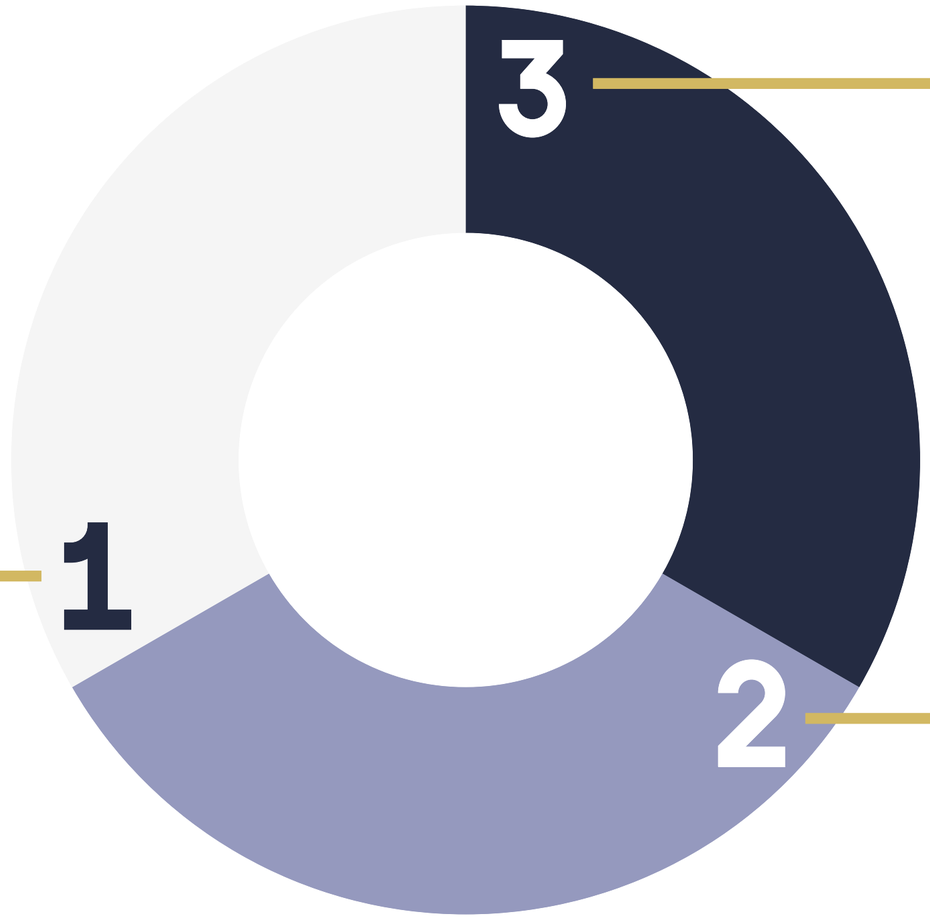
THRESHOLD CRITERIA (ALL FOUR MUST BE MET):

- Incident meets the definition of sexual harassment
- School must have “actual knowledge” of an allegation of the incident of sexual harassment
- Conduct must have occurred within the school’s own education program or activity
- Alleged harassment must have occurred within the United States

SEXUAL HARASSMENT AND RECIPIENT RESPONSE



SEXUAL HARASSMENT



SPECIFIC OFFENSES

- Sexual Assault
- Dating Violence
- Domestic Violence
- Stalking

QUID PRO QUO HARASSMENT

HOSTILE ENVIRONMENT HARASSMENT

- Davis Standard

*conduct **on the basis of sex** that satisfies one or more of the following categories

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SEXUAL HARASSMENT

1

QUID PRO QUO

DEFINITION:

An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient of an individual's participation in unwelcome sexual conduct.

- May be expressed or implied
- Need not be “severe” or “pervasive” as a single incident
- Considered inherently “offensive” and jeopardizes equal educational access

SEXUAL HARASSMENT

2

HOSTILE ENVIRONMENT

DEFINITION:

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.

SEXUAL HARASSMENT

3

SPECIFIC OFFENSES

SPECIFIC OFFENSES DEFINED UNDER THE FBI'S UNIFORM CRIME REPORTING (U.C.R) PROGRAM.

- Sexual Assault
- Dating Violence
- Domestic Violence
- Stalking

SEXUAL ASSAULT

SEX OFFENSES

Any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent.

Rape

Sodomy

Sexual Assault with an Object

*Criminal Sexual Contact

Unlawful sexual intercourse (not including prostitution offenses).

Incest

Statutory Rape

20 U.S.C. 1092(f)(6)(A)(v)

* The FBI's Uniform Crime Reporting Manual (2025) updated this type of behavior to "Criminal Sexual Contact" rather than "Fondling."

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.

34 U.S.C. 12291(a)(10)

DOMESTIC VIOLENCE

FELONY OR MISDEMEANOR CRIMES OF VIOLENCE COMMITTED BY A CURRENT OR FORMER SPOUSE OR INTIMATE PARTNER OF THE VICTIM:

a. by a person with whom the victim shares a child in common,

b. by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,

c. by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies,

d. or by 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.

34 U.S.C. 12291(a)(8)

STALKING

ENGAGING IN A COURSE OF CONDUCT DIRECTED AT A SPECIFIC PERSON THAT WOULD CAUSE A REASONABLE PERSON TO:

1. Fear for their safety or the safety of others; or
2. Suffer substantial emotional distress

34 U.S.C. 12291(a)(30)

CONSENT



The Regulations do not include a definition of consent and do not require recipients to adopt a particular definition of consent, including "affirmative consent," with respect to sexual assault.

CONSENT EXAMPLES

EXAMPLE A

- **Active and Mutual:** Consent requires an ongoing, shared agreement between participants. It is the responsibility of anyone initiating sexual activity to obtain this clear agreement.
- **Voluntary:** Permission must be given freely without coercion, force, or threats.
- **Verbal or Non-Verbal:** Agreement can be communicated through clear words or actions, but assumptions should never be made if confusion or ambiguity arises.
- **Context-Specific:** Welcoming one type of sexual contact, or agreeing to contact on a previous occasion, does not mean consent is given for other acts or future encounters.
- **Incapacitation:** If a person is incapacitated due to drugs, alcohol, or another reason, they cannot give consent. Sexual conduct with an incapacitated person is deemed unwelcome if the respondent knew or reasonably should have known about the incapacity.

EXAMPLE B

- **Affirmative Agreement:** Consent requires active agreement rather than simply the absence of a "no"; silence or nonresistance does not constitute consent.
- **Ongoing and Specific:** Agreement must exist for specific acts and can be withdrawn at any moment, meaning actions must cease immediately. Previous consent does not imply future agreement.
- **Freely Given:** Coercion, force, or threats invalidate any apparent consent.
- **Capacity to Consent:** Individuals who are incapacitated—whether through alcohol, drugs, unconsciousness, or other conditions—cannot provide consent, and engaging with someone known to be incapacitated violates policy.

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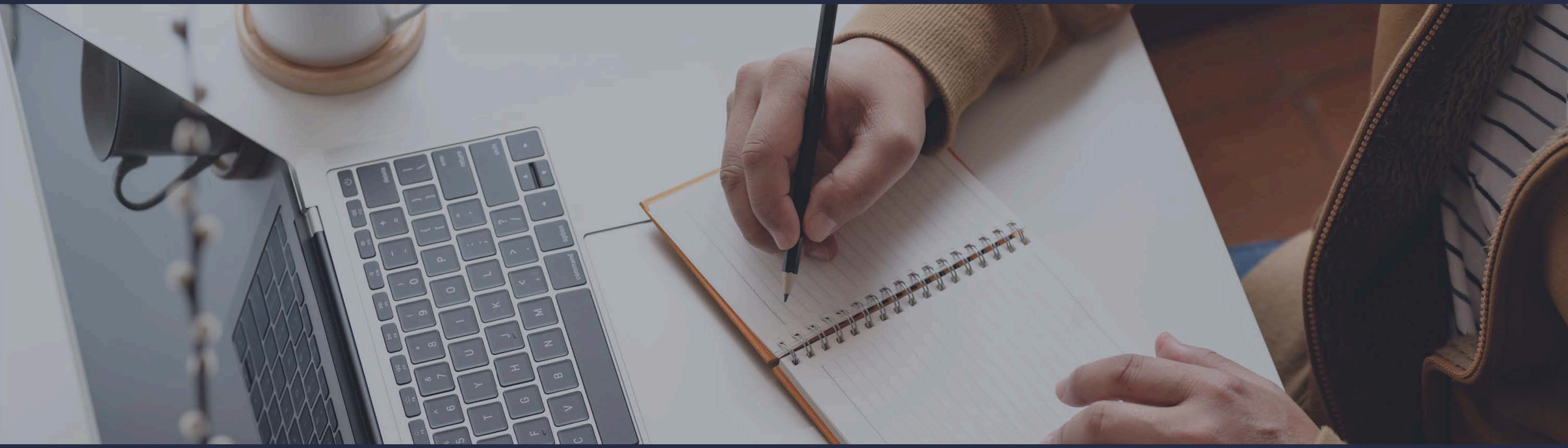
TITLE IX GRIEVANCE PROCESS FOR FORMAL COMPLAINTS



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GRIEVANCE PROCESS

1. INTAKE & REVIEW
2. FORMAL COMPLAINT
3. NOTICE OF ALLEGATIONS
4. INVESTIGATION
5. DECISION-MAKING PROCESS
6. WRITTEN DETERMINATION
7. APPEAL

INFORMAL RESOLUTION WINDOW

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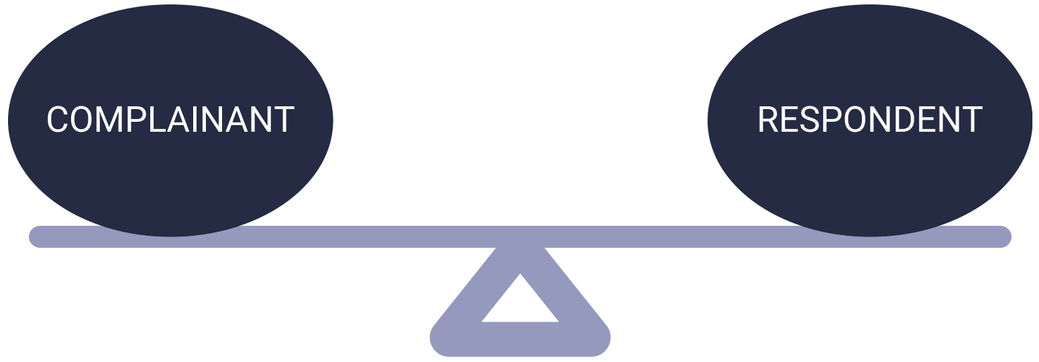
BASIC REQUIREMENTS

A RECIPIENT'S GRIEVANCE PROCESS MUST:

TREAT COMPLAINANTS AND RESPONDENTS EQUALLY

- Ensure processes do not differ based on status as a Complainant or Respondent
- Includes Supportive Measures, Communications, the entire grievance process



BASIC REQUIREMENTS

A RECIPIENT'S GRIEVANCE PROCESS MUST:

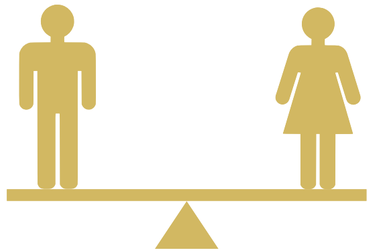


REQUIRE OBJECTIVE EVALUATION OF RELEVANT EVIDENCE

- Consider both inculpatory and exculpatory evidence
  - Inculpatory = Corroborating evidence
  - Exculpatory = Contradictory evidence
- Do not determine credibility based solely on a person's status as a Complainant, Respondent, or witness

BASIC REQUIREMENTS

A RECIPIENT'S GRIEVANCE PROCESS MUST:



REQUIRE TITLE IX PERSONNEL NOT HAVE BIAS AND CONFLICT OF INTEREST

- Title IX personnel must be trained
- Title IX personnel must *“not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent"§106.45 (b)(1)(3)*
- Title IX personnel should consider recusing themself if they are unable to serve impartially.

BASIC REQUIREMENTS

A RECIPIENT'S GRIEVANCE PROCESS MUST:

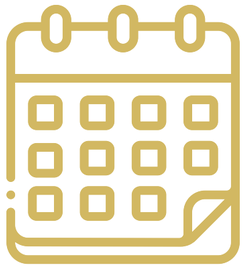


INCLUDE A PRESUMPTION THAT RESPONDENT IS NOT RESPONSIBLE UNTIL A DETERMINATION IS MADE

- Punitive measures may not be put in place until a finding of responsibility has been issued
- Think *"innocent until proven guilty"* in the criminal justice system

BASIC REQUIREMENTS

A RECIPIENT'S GRIEVANCE PROCESS MUST:



INCLUDE REASONABLY PROMPT TIME FRAMES

- Title IX policies should include reasonably prompt time frames for filing and resolving appeals, informal resolution processes, and more
- The grievance process may be delayed for good cause, which could include:
  - Absence of a party or party's advisor
  - Request from law enforcement to pause for concurrent investigation
  - Acquiring accommodations such as language assistance, disabilities

BASIC REQUIREMENTS

A RECIPIENT'S GRIEVANCE PROCESS MUST:



DESCRIBE RANGE OF POSSIBLE DISCIPLINARY SANCTIONS AND REMEDIES

- Ensure these ranges are communicated in policy and procedural documents

BASIC REQUIREMENTS

A RECIPIENT'S GRIEVANCE PROCESS MUST:

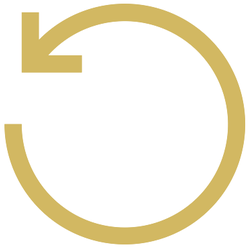


STATE THE STANDARD OF EVIDENCE

- A school may elect to apply either:
  - The preponderance of evidence (“more likely than not”) standard; or
  - The clear and convincing evidence (“highly probable") standard
- The same standard of evidence must be used for:
  - Formal complaints against students as is used for formal complaints against employees, including faculty
  - All formal complaints of sexual harassment

BASIC REQUIREMENTS

A RECIPIENT'S GRIEVANCE PROCESS MUST:



INCLUDE THE PERMISSIBLE BASES FOR APPEAL

- Title IX allows for appeals of the final determination of responsibility

BASIC REQUIREMENTS

A RECIPIENT'S GRIEVANCE PROCESS MUST:



DESCRIBE THE RANGE OF SUPPORTIVE MEASURES AVAILABLE

- Ensure these ranges are communicated in policy

BASIC REQUIREMENTS

A RECIPIENT'S GRIEVANCE PROCESS MUST:

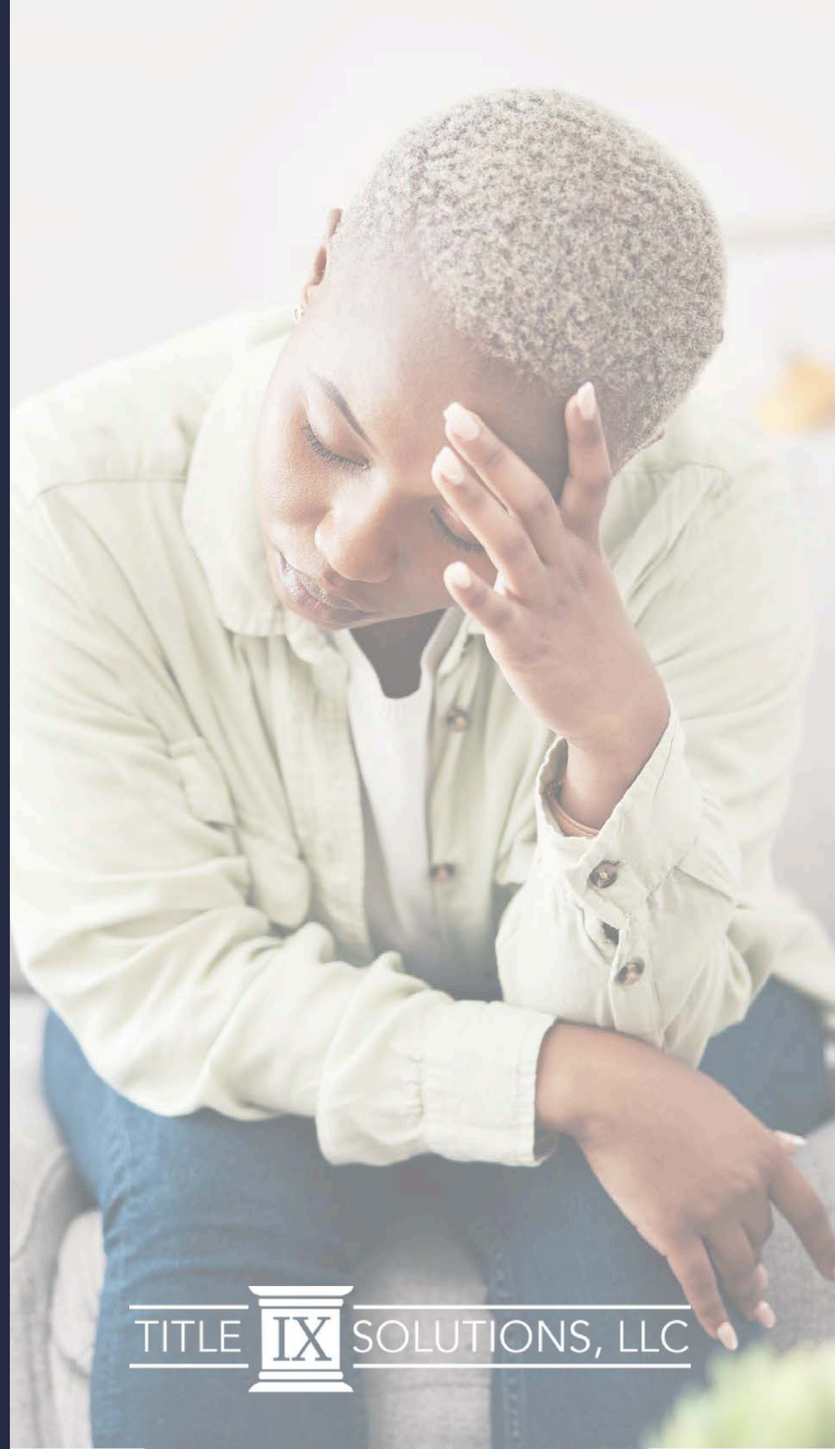


NOT REQUIRE OR RELY ON PRIVILEGED INFORMATION, UNLESS WAIVED

- This would include information such as:
  - Medical records
  - Academic records protected under FERPA
  - Conversations with privileged individuals such as counselors or clergy

TITLE IX SOLUTIONS, LLC

UNDERSTANDING TRAUMA AND BIAS



IN THIS SESSION



INTRODUCTION TO TRAUMA



RECOGNIZING PERSONAL BIAS



TRAUMA-INFORMED COMMUNICATION



PROMOTING EMPOWERMENT



UNDERSTANDING TRAUMA AS AN COORDINATOR

TITLE IX SOLUTIONS

UNDERSTANDING TRAUMA



TITLE IX SOLUTIONS

WHAT IS TRAUMA?

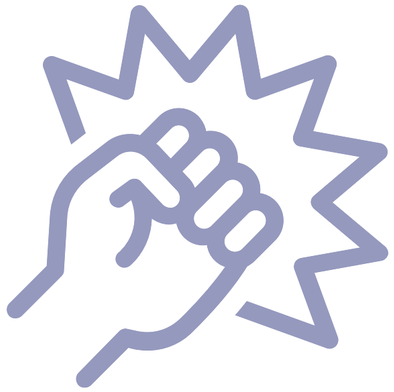
DEFINITION OF TRAUMA

- Subjective
- Real or perceived threat
- Manifests differently in each person

CONSIDER EACH PARTY'S EXPERIENCES

- One or both Parties have likely already experienced trauma, either:
  - Prior to the incident (childhood experiences, family history, collective memory, etc.)
  - During the incident
  - As a result of being accused of the alleged incident
  - Through a combination of these experiences
- One or both Parties may be currently experiencing trauma during the Title IX grievance process

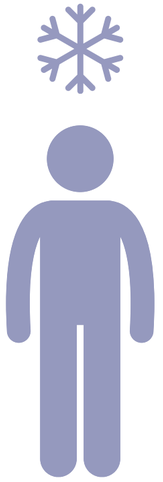
HUMAN STRESS RESPONSE



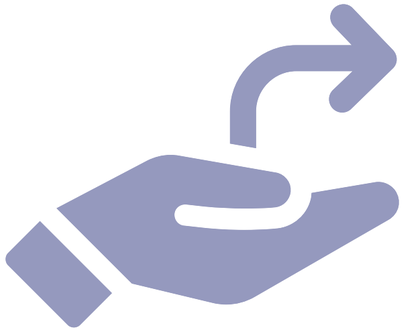
FIGHT



FLIGHT



FREEZE

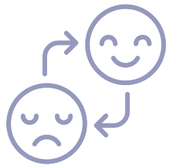


FAWN

WHAT DOES THIS MEAN FOR TITLE IX?



Fragmented, incomplete memories are common



Emotional dysregulation is expected

- Can appear in a variety of ways: inappropriate affect (laughter), extreme anxiety, numbing/disconnection



The fawn or freeze responses may appear to be consent



Discussing the event is retraumatizing

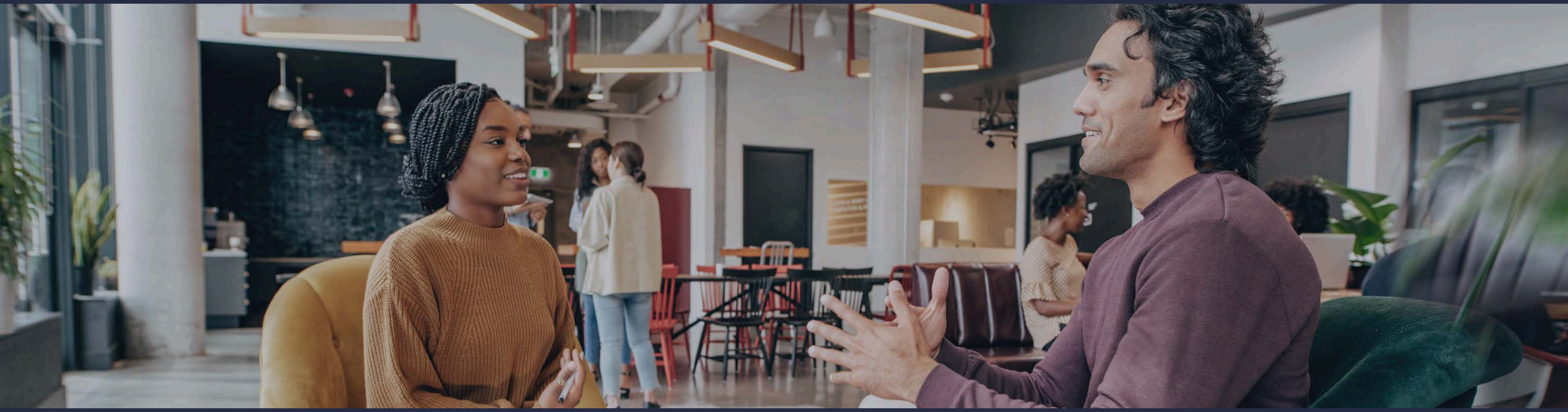
- Try to limit the number of interviews, questions, etc.



WHY IS IT IMPORTANT TO UNDERSTAND TRAUMA?

- May help prevent prejudgment of a situation
- May help with understanding how questions during an interview are answered
- May help inform how a question is asked

TRAUMA-INFORMED COMMUNICATION



TITLE IX SOLUTIONS

BEST PRACTICES



- BE ADAPTABLE
- LISTEN ACTIVELY
- WITHHOLD JUDGMENT

CONSIDERATIONS OF A TRAUMA-INFORMED APPROACH



EMPATHY

- The ability to understand and share the feelings of another
  - Doesn’t mean that you fully “get it” – because you don’t
  - You can try to put yourself in your party’s shoes
- Not the same as sympathy!
  - Sympathy is rarely helpful in these situations
  - Most trauma survivors report that sympathy exacerbates feelings of shame/embarrassment

COMMUNICATING EMPATHY

"I can see how painful this is for you to talk about."

"That sounds incredibly scary."

"There are resources here on campus to support you through this."

VALIDATION

Recognition or affirmation that a person or their feelings, opinions, and experiences are real or worthwhile.

DO

Share your own similar reactions, if you have them:

“I would feel really angry too.”

“It makes sense that you would feel that way.”

DON’T

Tell someone how they should feel:

“You shouldn’t let this bother you so much.”

Question their responses:

“Are you sure that is what happened?”

Validation ≠ Agreement

ACTIVE LISTENING

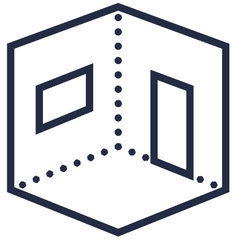
A COMMUNICATION TECHNIQUE THAT SERVES THE FOLLOWING PURPOSES:

1. Ensures that you understand what the other person is saying accurately
2. Communicates to the other person that you are listening

STRATEGIES FOR ACTIVE LISTENING

- Avoid distractions
  - Cell phones, emails, knocks on the door
- Use frequent brief paraphrases of what you heard
- Use nonverbal cues
  - Nodding, smiling or frowning, leaning forward
- Remain neutral and nonjudgmental
- Use phrases to communicate your desire to understand:
  - *“Did I understand that correctly?”*
  - *“I want to make sure I am hearing you.”*
- Ask open-ended questions:
  - *“Can you tell me more about…”*

ADDITIONAL STRATEGIES



CONSIDER THE ENVIRONMENT

- Allow each Party to choose the meeting place, if possible
- Consider comfortable seating, tissues, water, privacy, etc.



FOCUS ON EACH PARTY AND THEIR NEEDS

- Refrain from sharing own stories & experiences
- Create an open space for them to talk (no judgement)
- Aim to understand each Party's perspective



KEEP A HEALTHY EMOTIONAL DISTANCE

- Self-care is crucial
- Boundaries are okay (and even healing!)
- Direct each Party to campus resources that can provide support

DE-ESCALATION

CONFRONTATION IS POSSIBLE

- Title IX processes may be intense, and emotions may run high
- Confrontation may occur between you and either Party or their Advisor

STRATEGIES FOR DE-ESCALATION

- Keep personal emotions in check
- Create physical space
- Allow for silence & patience for decisions
- Practice validation, active listening & empathy

RECOGNIZING PERSONAL BIAS



TITLE IX SOLUTIONS

PERSONAL BIAS

A TENDENCY, INCLINATION, OR PREJUDICE TOWARD OR AGAINST SOMETHING OR SOMEONE.

- Biases are universal
  - We are all products of our own personal histories, cultures, and many other factors that shape the ways in which we see the world
  - Biases are automatic and often outside of conscious control
- Biases are not always bad
  - i.e. an inclination toward healthy lifestyle behaviors
- Biases can be based on stereotypes or inaccurate information



It is crucial that you understand your biases in order to be most effective in your role.

BIAS VS. CONFLICT OF INTEREST

BIAS

- Having a personal history with sexual misconduct
- Holding stereotyped gender beliefs about sexual violence
  - i.e. perpetrators are males
- Internalization of rape culture
  - Often leads to skepticism or blaming of the Complainant

CONFLICT OF INTEREST

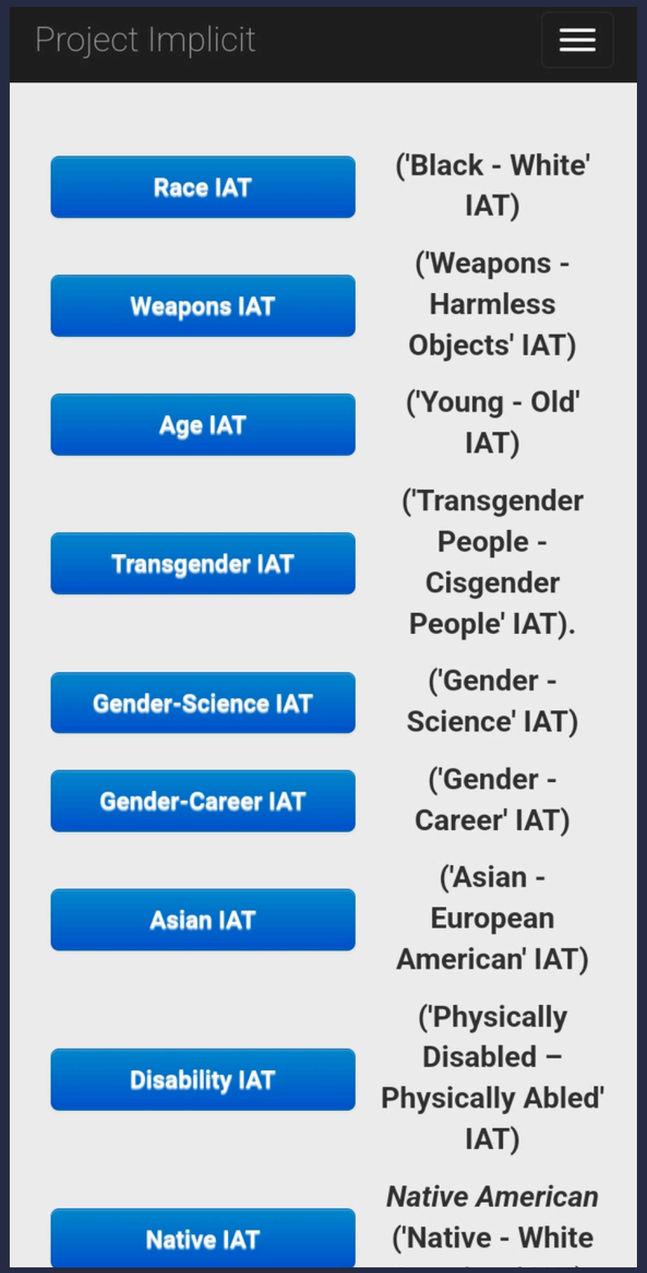
- Having a personal relationship with one or more parties
- Holding multiple relationships with one or more parties
- There is any way in which you could benefit (or be harmed) from the outcome of the investigation

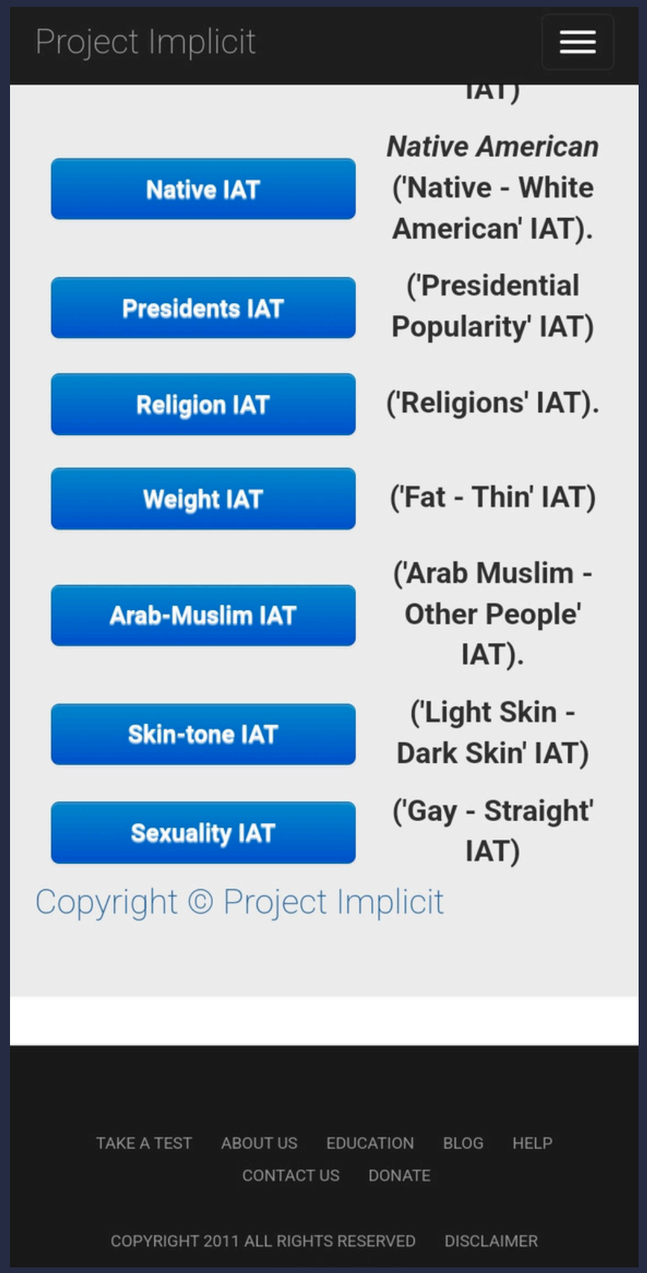
RECOGNIZING PERSONAL BIAS

IS YOUR PERSONAL BIAS AFFECTING YOUR ABILITY TO BE OBJECTIVE?

- Introspection
  - Implicit Bias Tests
    - https://implicit.harvard.edu/implicit/selectatest.html
- Having implicit bias does not make you a bad person (we all have it)
  - Managing your implicit biases will make you a better Title IX professional
- Questions to ask yourself:
  - What does the information at hand cause me to believe about those involved? Why?
  - When should an individual recuse themself from a case because they are unable to overcome personal bias?

IMPLICIT BIAS TESTS





TITLE IX SOLUTIONS



CHECK YOURSELF FOR BIAS

THROUGHOUT THE LIFE OF A CASE



ADDITIONAL RESOURCES

- Understanding Trauma: A Refresher Course
- Rebecca Campbell
  - National Institute of Justice (NIJ) - The Neurobiology of Sexual Assault: Implications for Law Enforcement, Prosecution, and Victim Advocacy
  - Sexual Assault Kit Initiative (SAKI) - The Neurobiology of Trauma: Webinar Series
- Jim Hopper
  - Sexual Assault: Brain, Behavior and Memory



BREAK & TRANSITION TIME

Coordinators to Room 103

Investigators stay here

TITLE IX SOLUTIONS

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TITLE IX COORDINATOR TRAINING

Led by Lin-Chi Wang



AGENDA

COORDINATORS

11:15- 12:00	Reports, Incident Evaluations & Intake
12:00 - 1:00	Lunch
1:00 - 1:45	Start of the Process & Investigation
1:45 - 2:40	Decision-Making Process and Appeals
2:40 -2:55	Break
2:55 -3:45	Informal Resolution
3:45 -4:15	Compliance Beyond the Process

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TITLE IX REPORTS, INCIDENT EVALUATION & INTAKE



IN THIS SESSION



TITLE IX REPORTING



CONDUCTING A TITLE IX INCIDENT EVALUATION

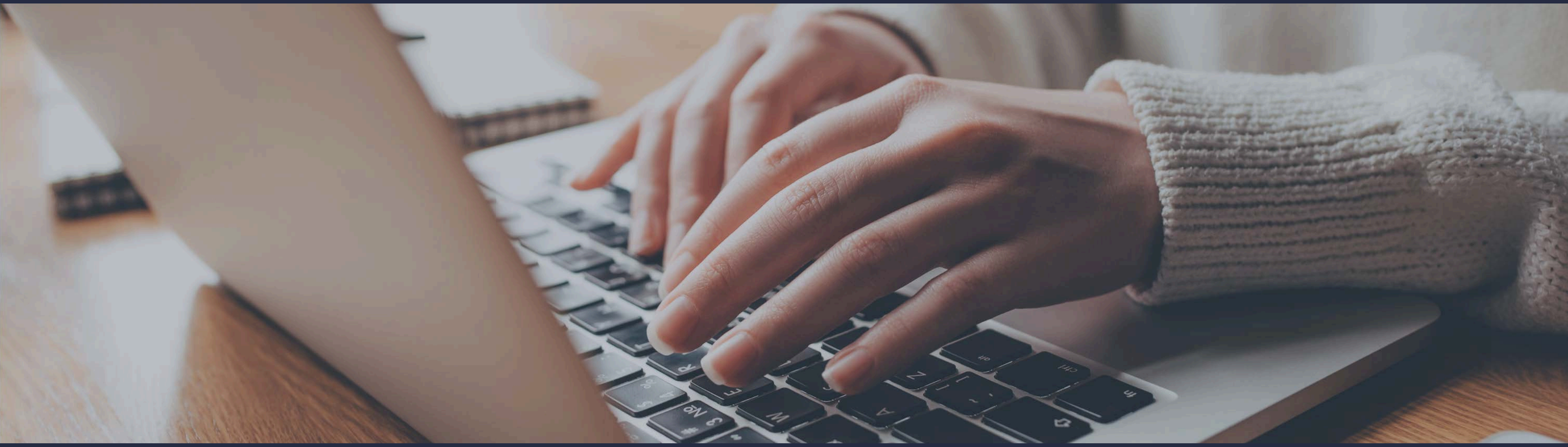


UNDERSTANDING SAFETY & RISK ASSESSMENTS



INTAKE MEETINGS

TITLE IX REPORTING



TITLE IX SOLUTIONS

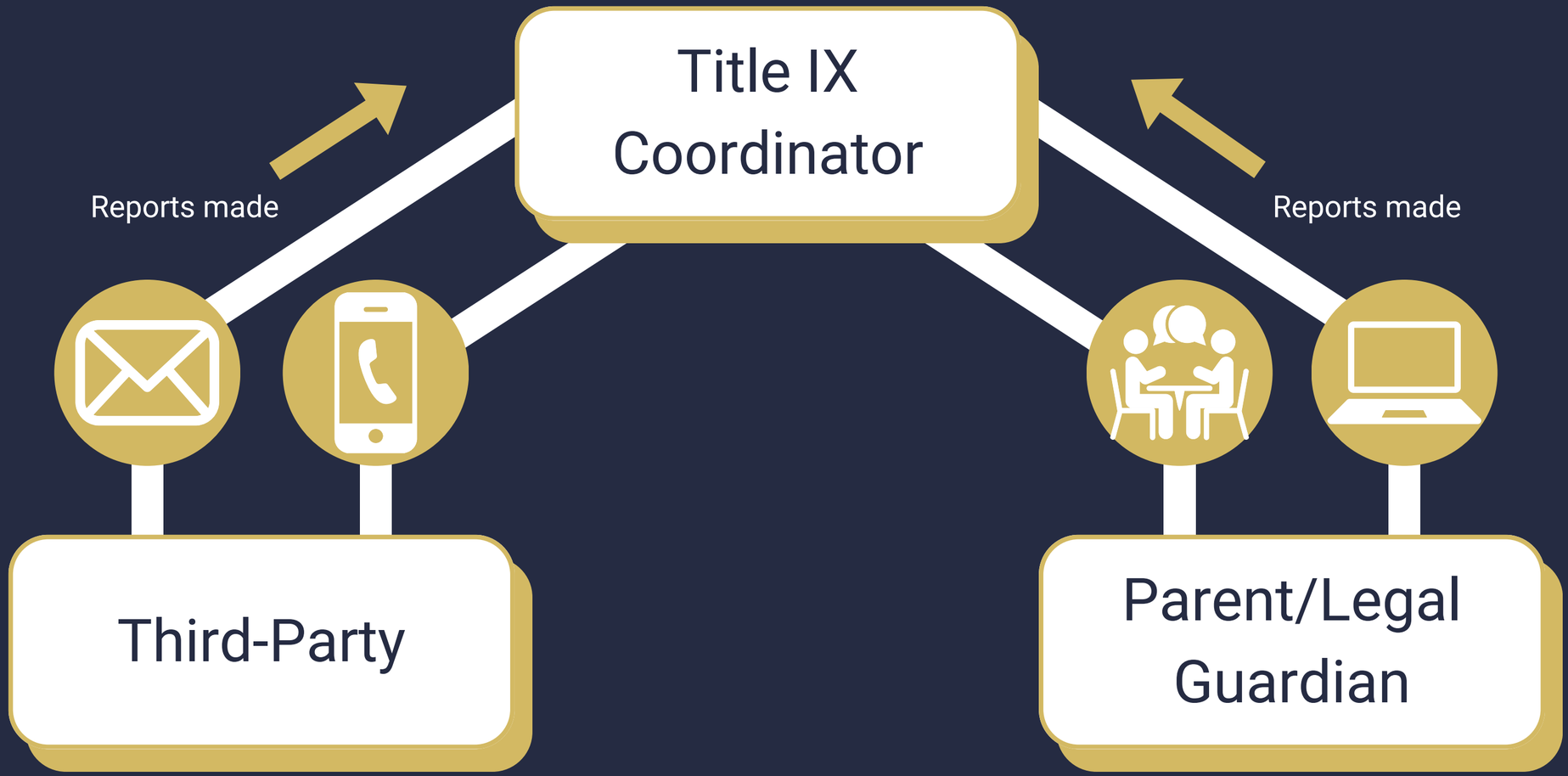
REPORTING INCIDENTS OF SEXUAL HARASSMENT

AS STATED IN THE TITLE IX REGULATIONS, ANY PERSON MAY REPORT SEX DISCRIMINATION, INCLUDING SEXUAL HARASSMENT, TO THE TITLE IX COORDINATOR.

"Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. 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."

34 CFR §106.8(a)

EXTERNAL

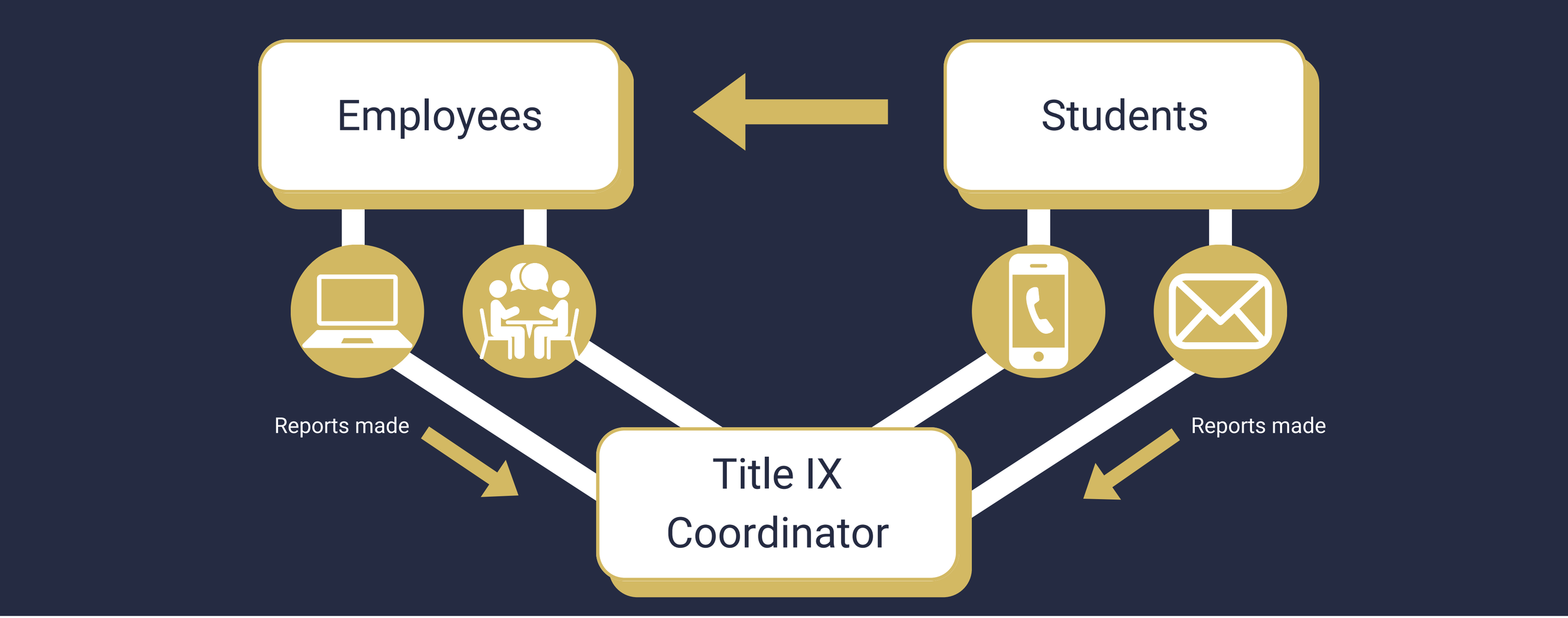

Title IX Coordinator
Reports made
Reports made
Third-Party
Parent/Legal Guardian

EXTERNAL REPORTING CONSIDERATIONS



Consider the various individuals outside of the school setting who may report incidents of sexual harassment to your Title IX Coordinator.

- Who are they?
- What would their experience be if they sought out information on how to report Title IX sexual harassment?
- What do you want them to know?
- What information do you want them to have access to?
- How can you make the process of reporting easier for them?


Employees
Students
Reports made
Reports made
Title IX
Coordinator

INTERNAL

INTERNAL REPORTING CONSIDERATIONS

Consider how many employees you have at your institution.

- From the top down, what is your level of confidence that each employee could articulate their reporting responsibilities under Title IX?
- How will you provide training on these responsibilities?

Consider the way your students interact with each type of employee at your institution.

- Do students know employee reporting requirements under Title IX?
- How would you communicate this to them?

REPORTING AT POSTSECONDARY

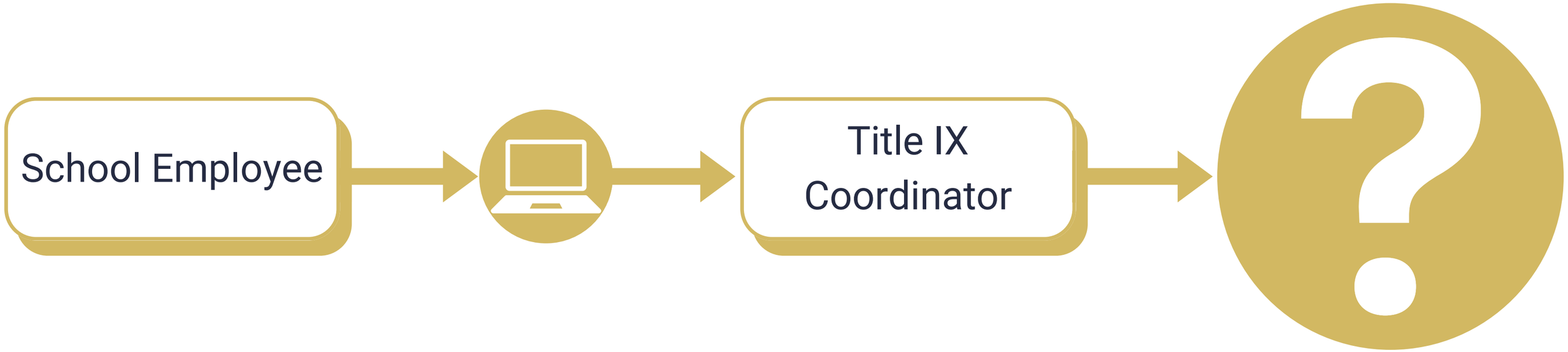
"For all recipients, notice to the recipient's Title IX Coordinator or to 'any official of the recipient who has authority to institute corrective measures on behalf of the recipient' (referred to herein as 'officials with authority') conveys actual knowledge to the recipient and triggers the recipient's response obligations. Determining whether an individual is an 'official with authority' is a legal determination that depends on the specific facts relating to a recipient's administrative structure and the roles and duties held by officials in the recipient's own operations."

(pp.50-51 Preamble to the Title IX Regulations)



Consult institutional policy and other relevant state laws to determine <u>who must report</u> and <u>what they must report</u>.

FOLLOWING A REPORT



What **must** the Title IX Coordinator do next to ensure the school is not acting with deliberate indifference?

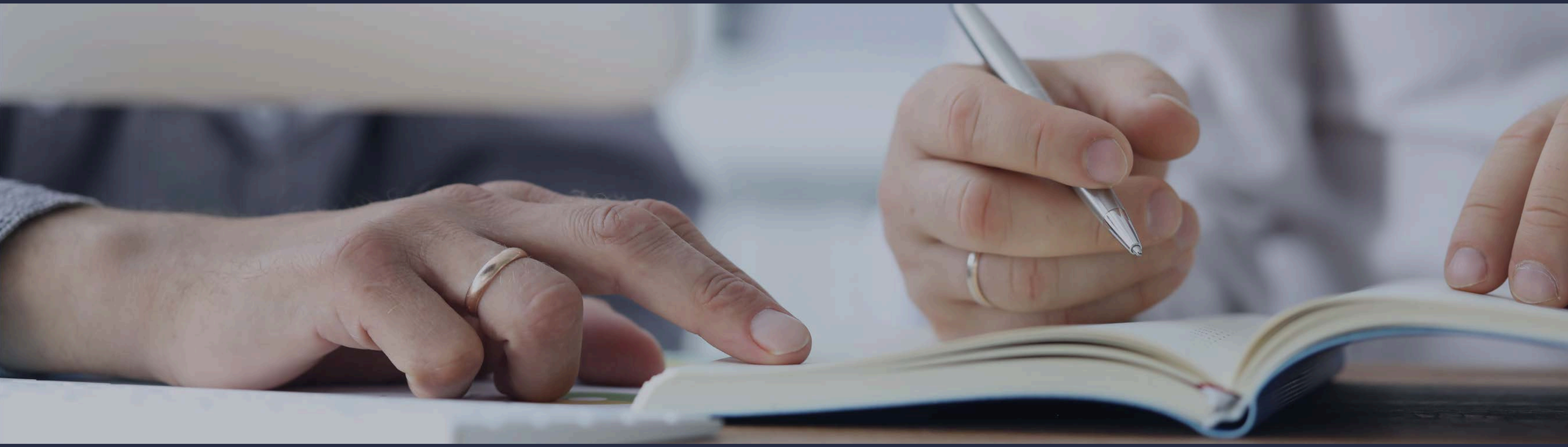
WHAT DOES TITLE IX REQUIRE?

Hint: §106.44 Recipient's response to sexual harassment provides the answer.

The Title IX Coordinator must...

1. Promptly contact the Complainant to discuss the availability of supportive measures
2. Consider the Complainant's wishes with respect to supportive measures
3. Inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint
4. Explain to the Complainant the process for filing a formal complaint

CONDUCTING A TITLE IX INCIDENT EVALUATION



TITLE IX SOLUTIONS

TITLE IX INCIDENT EVALUATIONS

ALSO REFERRED TO AS A "PRELIMINARY ASSESSMENT" OF AN INCIDENT

WHO

Conducted by the Title IX Coordinator

WHAT

Analysis of the alleged incident to determine if the misconduct could be considered sexual harassment under Title IX, if proven

WHEN

- Upon learning of an alleged incident
- During and after the intake meeting
- Throughout the Title IX process

WHY

To determine how the school will address the alleged incident and identify which grievance procedures to implement

HOW

- First, consider whether the conduct was sex-based, including, based upon gender identity and/or sexual orientation.
- If so, utilize the four "threshold criteria" outlined in the Title IX Regulations.

FOUR THRESHOLD CRITERIA

THE FOLLOWING MUST BE CONSIDERED WHEN EVALUATING POTENTIAL TITLE IX INCIDENTS:

1. School has "actual knowledge" of an allegation of the incident of sexual harassment
2. Alleged harassment occurred within the United States
3. Incident constitutes sexual harassment as previously defined
4. Conduct occurred within the school's own education program or activity

1 DOES THE SCHOOL HAVE "ACTUAL KNOWLEDGE"?

RECALL HOW THE TITLE IX REGULATIONS DEFINE THIS:

> "Notice of sexual harassment or allegations of sexual harassment to a recipient's Title IX Coordinator or any official of the recipient who has authority to institute corrective measures on behalf of the recipient, or to any employee of an elementary and secondary school."

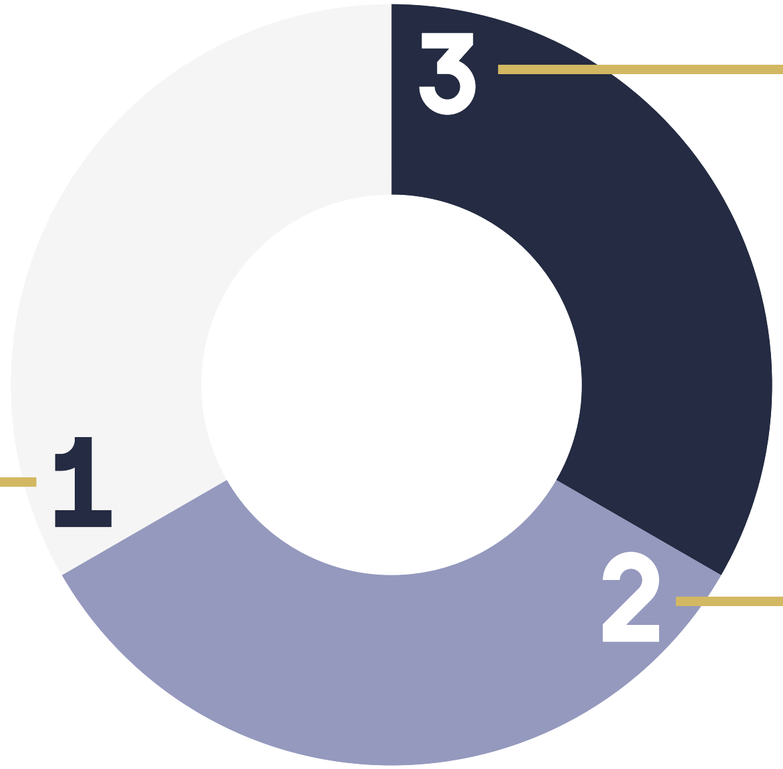
2 DID THE INCIDENT OCCUR IN THE UNITED STATES?

INCIDENTS MAY OCCUR DURING SCHOOL-SPONSORED PROGRAMS ABROAD. HOWEVER, THE DEPARTMENT OF EDUCATION REQUIRES INCIDENTS TO OCCUR IN THE U.S. TO BE CONSIDERED "SEXUAL HARASSMENT" UNDER TITLE IX.

YES	NO
Incident may be considered Title IX sexual harassment.	Determine if other school policies apply to the incident and are therefore initiated. Continue to offer supportive measures.

3 WOULD THE INCIDENT CONSTITUTE SEXUAL HARASSMENT?

SEXUAL HARASSMENT IS DEFINED AS CONDUCT ON THE BASIS OF SEX THAT SATISFIES ONE OR MORE OF THREE TYPES OF BEHAVIOR:



DEFINED ACTS

- Sexual Assault
- Dating Violence
- Domestic Violence
- Stalking

QUID PRO QUO

"DAVIS STANDARD" HOSTILE ENVIRONMENT

- Severe
- Pervasive
- Objectively Offensive

3 WOULD THE INCIDENT CONSTITUTE SEXUAL HARASSMENT?

KEEP IN MIND THAT THIS IS A PRELIMINARY ASSESSMENT OF THE INCIDENT - NOT A DEFINITIVE DETERMINATION AS TO WHETHER THE RESPONDENT IS RESPONSIBLE FOR THE ALLEGED MISCONDUCT.

YES	NO
Incident may be considered Title IX sexual harassment.	Determine if other school policies apply to the incident and are therefore initiated. Continue to offer supportive measures.

4 DID THE INCIDENT OCCUR WITHIN THE SCHOOL'S EDUCATION PROGRAM OR ACTIVITY?

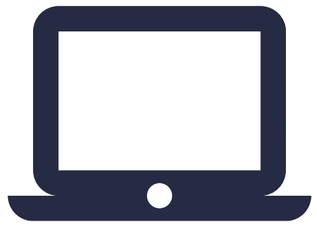
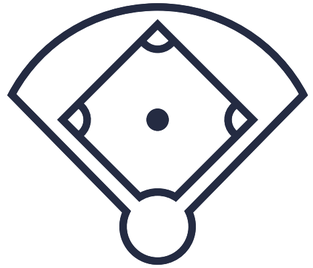
LOCATIONS, EVENTS, OR CIRCUMSTANCES OVER WHICH:

Institution exercised substantial control over the Respondent

&

Institution exercised substantial control over the context in which the sexual harassment occurred




4 DID THE INCIDENT OCCUR WITHIN THE SCHOOL'S EDUCATION PROGRAM OR ACTIVITY?

THIS CAN BE A DIFFICULT QUESTION TO ANSWER AT THIS STAGE OF THE PROCESS.

YES	NO
Incident may be considered Title IX sexual harassment.	Determine if other school policies apply to the incident and are therefore initiated. Continue to offer supportive measures.

WHAT IF I'M UNSURE ABOUT A TITLE IX THRESHOLD CRITERION?

CONSULT WITH OTHER TITLE IX ADMINISTRATORS AND/OR COUNSEL

REVIEW PAST TITLE IX CASES

- Have cases with similar circumstances been addressed under Title IX? Why or why not?

CONSIDER ALL OPTIONS

- Initiate the Title IX grievance process to gather more information, refer to another process, or proceed without a process?

WHAT IF I FIND OUT A CRITERION ISN'T MET AFTER INITIATING THE TITLE IX PROCESS?

THE SCHOOL MAY BE REQUIRED TO DISMISS THE FORMAL COMPLAINT UNDER TITLE IX

- Upon dismissal of a formal complaint, the school must promptly send written notice of the dismissal and the reason(s) therefore simultaneously to the parties.

IF TITLE IX DOES NOT APPLY

- Identify/consult other school policies that may address the alleged misconduct
  - Student/employee handbook, nondiscrimination or bullying policy, etc.
- Offer the Complainant supportive measures
- Invite the Complainant to an intake meeting
- Keep an open mind - you may learn more about an incident after meeting with the Complainant and then determine that Title IX does apply to the incident
- Document your evaluation process, justification, and next steps

DISMISSAL

SCHOOL MUST DISMISS IF THE CONDUCT ALLEGED IN THE FORMAL COMPLAINT:

- Would not constitute sexual harassment as defined in §106.30 even if proved
- Did not occur in the recipient's education program or activity
- Did not occur against a person in the United States



Dismissal does not preclude the school from investigating and adjudicating under another provision of the school's Code of Conduct.

TITLE IX SOLUTIONS

DISMISSAL

SCHOOL MAY DISMISS IF THE CONDUCT ALLEGED IN THE FORMAL COMPLAINT:

- Complainant notifies the Title IX Coordinator that they would like to withdraw the formal complaint
- The Respondent is no longer enrolled or employed by the recipient
- Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination



A complaint will not be dismissed because a Complainant remains at or leaves the school.

LET'S PRACTICE!



Title IX Grievance Process

IF THE ANSWER IS "YES," CONTINUE UP THE STEP LADDER.

1. Is the misconduct sex-based?
2. Does the school have "actual knowledge" of the incident?
3. Did the incident occur in the U.S.?
4. Does the incident constitute Title IX sexual harassment?
5. Did the incident occur within the school's own education program or activity?

IF THE ANSWER IS "NO," EVALUATE IF OTHER SCHOOL POLICIES APPLY TO THE INCIDENT AND OFFER SUPPORTIVE MEASURES.

- Gale reports that his classmate, Katniss, pulled his backpack and made him fall on the bus.
- Prim told her teacher that Mr. Snow, the Math Olympiad advisor, asked her to sit on his lap yesterday.
- Cinna is an English teacher. Last weekend, he went to a concert with the Associate Director of Human Resources. On Monday, Cinna reported that the Associate Director of Human Resources sexually assaulted him in the car on the way home from the concert.
- Peeta’s sister reported that Peeta’s boyfriend assaulted her last night.

UNDERSTANDING SAFETY AND RISK ASSESSMENTS



TITLE IX SOLUTIONS

SAFETY & RISK ASSESSMENT

BASED ON THE DETAILS OF A REPORT, IT MAY BE NECESSARY FOR THE TITLE IX COORDINATOR TO CONDUCT A SAFETY AND RISK ASSESSMENT OR CONTACT THE APPROPRIATE AUTHORITIES AT THEIR INSTITUTION TO CONDUCT SUCH AN ASSESSMENT

- Required before Emergency Removal of a Respondent
- An individualized safety and risk analysis usually conducted by the Title IX Coordinator along with campus partners to determine if an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal
- If Emergency Removal is necessary, the Title IX Coordinator must provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal



Document the basis for this individualized outcome with facts specific to the report



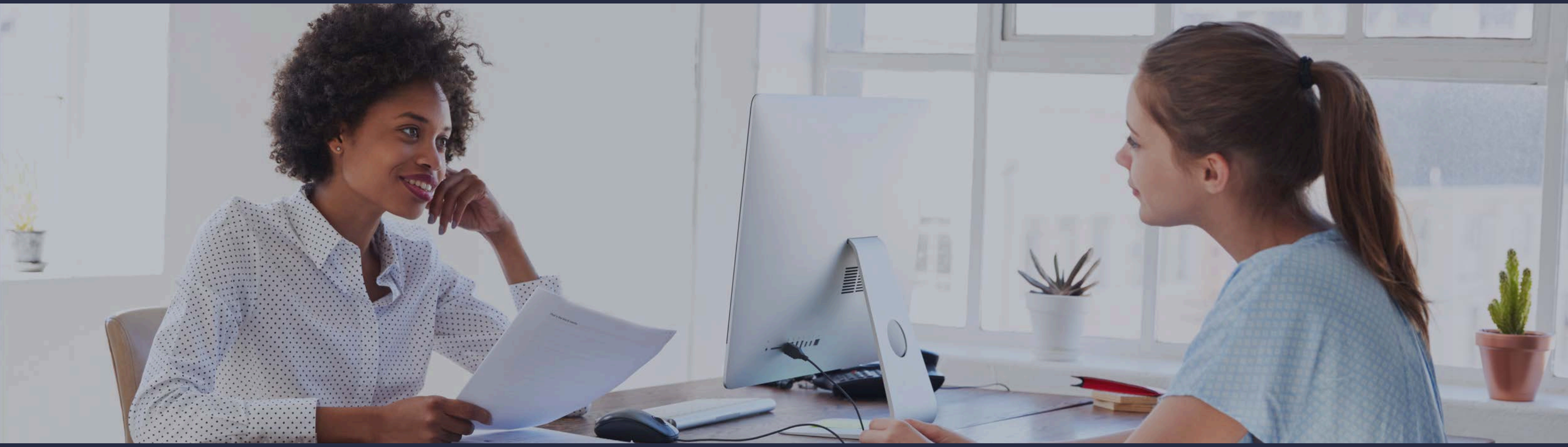
SCENARIO

Finnick, a first-year student at your institution, scheduled a meeting with his Graduate Hall Director. In this meeting, Finnick shares that his roommate, has been coming back to their on-campus room intoxicated and gets into bed with him. Finnick informs you that his roomate put his hands down Finnick's pants last night. He asks if there is any way someone can help him switch rooms.

The Graduate Hall Director fills out an incident form as is instructed by policy and forwards it to you, the Title IX Coordinator.

TITLE IX SOLUTIONS

INTAKE MEETINGS



GRIEVANCE PROCESS

1. **INTAKE & REVIEW**
2. FORMAL COMPLAINT
3. NOTICE OF ALLEGATIONS
4. INVESTIGATION
5. DECISION-MAKING PROCESS
6. WRITTEN DETERMINATION
7. APPEAL



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1

Promptly contact the Complainant to discuss the availability of supportive measures



QUESTIONS TO CONSIDER:

1. What is considered prompt?
2. How will I initiate contact?
3. Who do I need to include in my initial contact?
4. What will be said in my initial contact?
5. What if the Complainant does not respond to my attempts to contact?

1. WHAT IS CONSIDERED PROMPT?

As soon as you receive the report, you should reach out. If the report is received after business hours, on the weekend, or a holiday, contact on the first business day you return. However, if the report suggests an immediate threat or safety risk, ensure immediate communication.

2. HOW WILL I INITIATE CONTACT?

Best practice is to initiate contact in writing for recordkeeping, but in some cases, you may need to make a phone call.
*Remember to document date and time, as well as what was shared.

3. WHO DO I NEED TO INCLUDE IN MY INITIAL CONTACT?

The Complainant, as well as their parent or legal guardian if the party is a minor.

4. WHAT WILL BE SAID IN MY INITIAL CONTACT?

Introduction, brief explanation of Title IX and your reason for reaching out, request for meeting, and helpful documents (processes, policy, list of supportive measures)

5. WHAT IF THE COMPLAINANT DOES NOT RESPOND TO MY ATTEMPTS TO CONTACT?

- Vary your attempts to contact and document all attempts
  - Email, phone calls to Complainant and parent, final attempt with a trackable letter or email
  - Some case management systems provide thorough tracking of all communications
- Decide how many attempts you will make before closing the case for non-contact
- Ensure you have at least provided information about the availability of supportive measures, as well as the process for filing a formal complaint as those are required under Title IX

2 Consider the Complainant's wishes with respect to supportive measures



QUESTIONS TO CONSIDER:

1. How can I inform the Complainant of which supportive measures may be available?
2. How can I ensure supportive measures are available?
3. What does it mean to "consider" their wishes?
4. What materials can I send home with the Complainant?

1. HOW CAN I INFORM THE COMPLAINANT OF WHICH SUPPORTIVE MEASURES MAY BE AVAILABLE?

Provide a general list or infographic of the areas in which supportive measures may be available and listen to their concerns. Help Complainants understand that the list is not exhaustive, and other options may be available after discussing their individual needs.

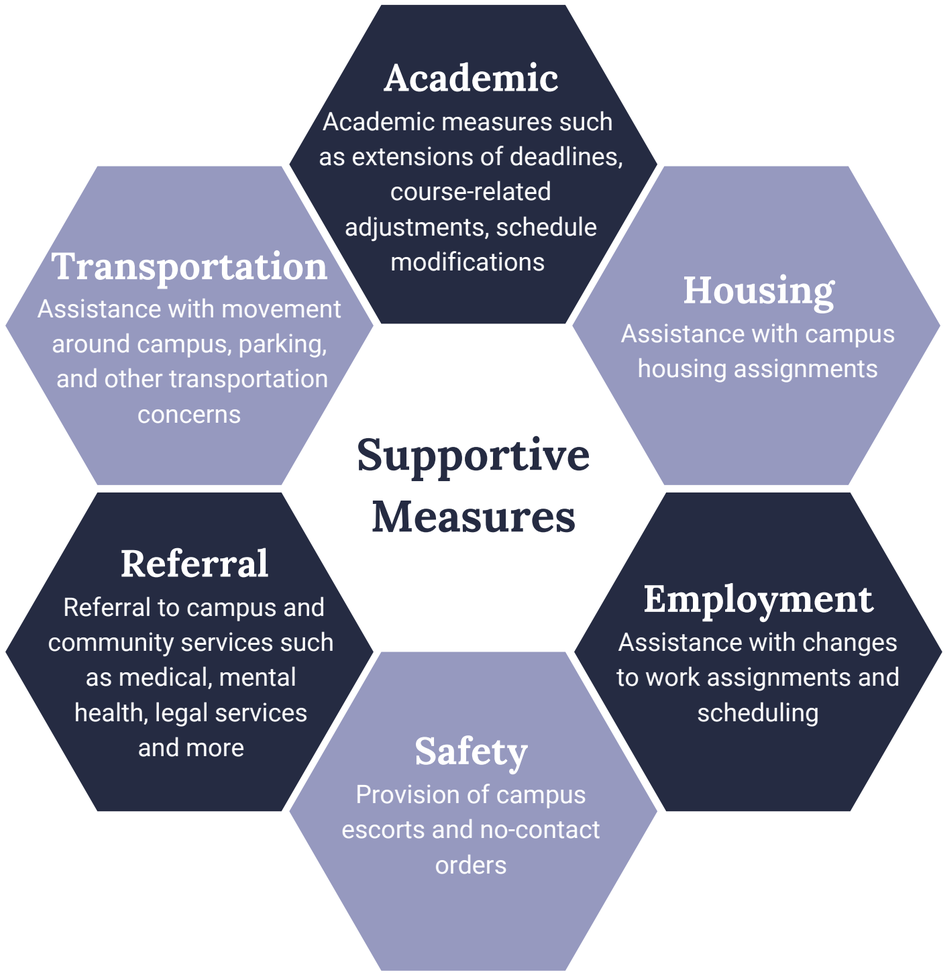
2. HOW CAN I ENSURE SUPPORTIVE MEASURES ARE AVAILABLE?

Best practice is to initiate contact in writing for recordkeeping, but in some cases, you may need to make a phone call.
*Remember to document date and time, as well as what was shared.

3. WHAT DOES IT MEAN TO "CONSIDER" THEIR WISHES?

Be mindful of their requests. Do not promise any supportive measure until you know it is feasible. Complainants may request measures that are not possible.

4. WHAT MATERIALS CAN I SEND HOME WITH THE COMPLAINANT?



Handout containing

- Explanation of supportive measures
- Information regarding your role in implementing any supportive measures needed
- Range of supportive measures available
- Helpful campus and community resources

3 Inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint



QUESTIONS TO CONSIDER:

1. How will I communicate this?
2. How long will these supportive measures need to be in place?

4

Explain to the Complainant the process for filing a formal complaint



QUESTIONS TO CONSIDER:

1. How can I best explain this process?
2. What information does the Complainant need to know to make the most informed decision?
3. How will I communicate the school's decision to initiate a formal complaint when the Complainant does not wish to move forward?

HOW WILL I COMMUNICATE THE SCHOOL'S DECISION TO INITIATE A FORMAL COMPLAINT WHEN THE COMPLAINANT DOES NOT WISH TO MOVE FORWARD?

> "These final regulations obligate a recipient to initiate a grievance process when a Complainant files, or a Title IX Coordinator signs, a formal complaint, so that the Title IX Coordinator takes into account the wishes of a Complainant and only initiates a grievance process against the Complainant's wishes if doing so is not clearly unreasonable in light of the known circumstances."

(p. 71 Preamble to the Title IX Regulations)

Explain the need to protect the safety of both the Complainant and greater school community. If the allegations are serious and pose risk of further harm to the Complainant or others, an investigation is necessary.

Inform the Complainant of their right to not participate, but gently inform them that their participation in the Title IX grievance process would be of great help.

HELPFUL TIPS FOR INTAKE MEETINGS

SEEK ENOUGH DETAILS TO HELP YOU PERFORM THE INCIDENT EVALUATION

- However, do not turn this into an investigative interview...that comes later!

USE TRAUMA-INFORMED TECHNIQUES

BE PREPARED

- Have all handouts and documents printed and readily available.

DISCUSS TIMELINE FOR FILING COMPLAINT WITH THE COMPLAINANT

FOLLOW UP

- If you have not heard from the Complainant following the intake meeting, check in.

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LUNCH TIME!

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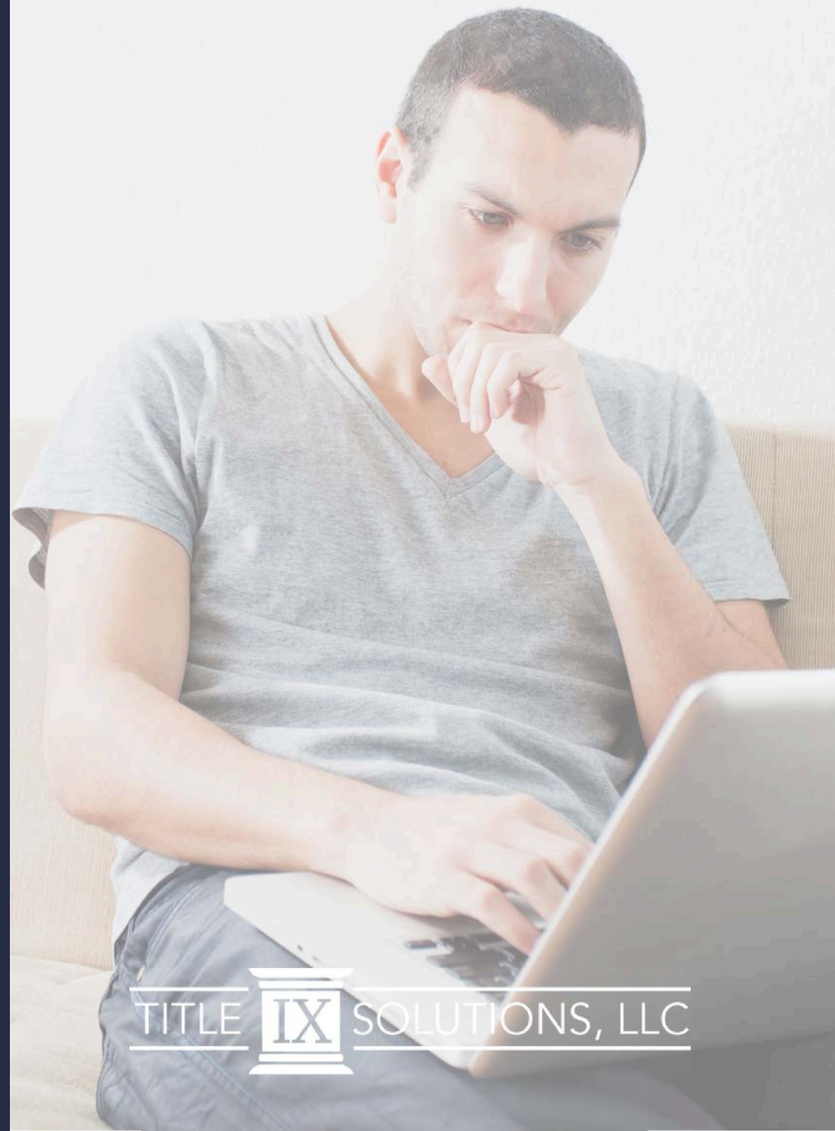
FORMAL COMPLAINT & NOTICE OF ALLEGATIONS



IN THIS SESSION



COMPLAINTS

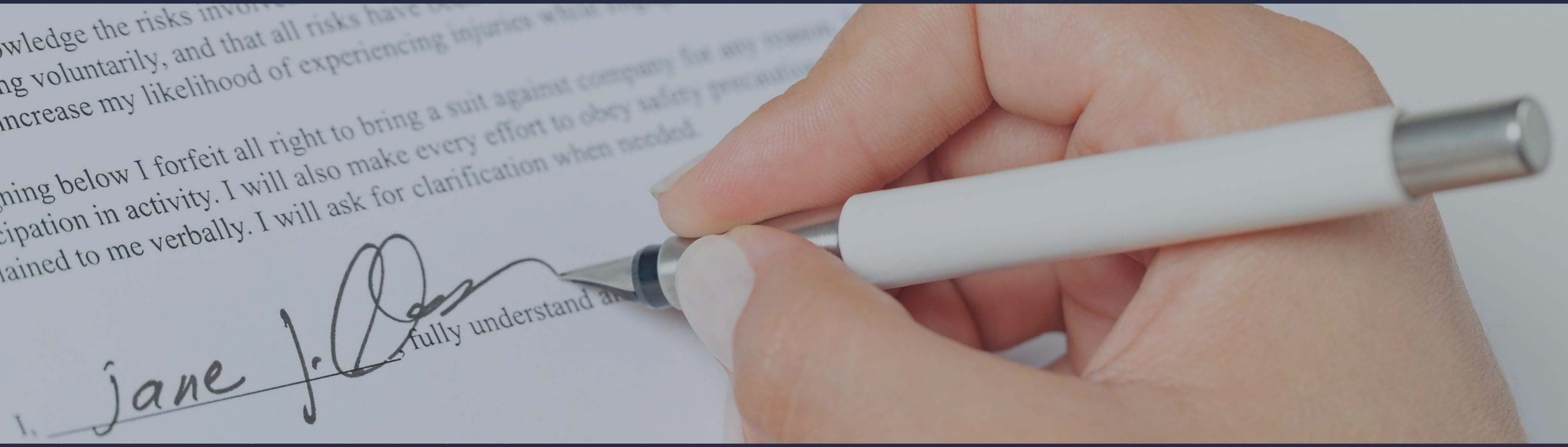


DRAFTING THE NOTICE OF ALLEGATIONS



INITIATING THE TITLE IX GRIEVANCE PROCESS

FORMAL COMPLAINTS



GRIEVANCE PROCESS

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FORMAL COMPLAINT

§106.30 DEFINITIONS.

"A document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the recipient investigate the allegation of sexual harassment."



- Can be a physical document or an electronic document (email, Word document, etc.)
- Must contain a physical or electronic signature of the Complainant
- Can be signed by the Title IX Coordinator if it is decided the Coordinator will file without the Complainant's participation in the process (usually following a safety and risk assessment)

REPORT VS. FORMAL COMPLAINT

REPORT

- May allege sexual harassment, sex discrimination, or sexual misconduct
- May be written or oral
- May be submitted by any person, not just the alleged victim
- May be anonymous
- May be made at any time
- May be made in person or by mail, phone, email or any other means

COMPLAINT

- Alleges Title IX sexual harassment
- Required for initiation of the Title IX grievance process
- Required to be filed and signed by the Complainant or Complainant's parent or guardian (or Title IX Coordinator in certain instances)
- Cannot be filed anonymously or by a third-party

REMINDER:



THERE IS NO STATUTE OF LIMITATIONS ON FILING A FORMAL COMPLAINT. HOWEVER, THE COMPLAINANT "MUST BE PARTICIPATING OR ATTEMPTING TO PARTICIPATE IN THE RECIPIENT'S EDUCATION PROGRAM OR ACTIVITY" AT THE TIME OF FILING.

SAMPLE FORMAL COMPLAINT

Dear Title IX Coordinator,

My name is Sally Fields, and I am submitting this letter as a formal complaint under Title IX against my professor, Dr. Charlotte Brown, at Sample University. Dr. Brown has engaged in inappropriate and sexually inappropriate conduct toward me through email communications and group text messages. This conduct occurred on multiple occasions, crossed appropriate faculty–student boundaries, and created a hostile and uncomfortable educational environment for me.

On September 12, 2025, September 21, 2025, and October 20, 2025, Dr. Brown sent me emails that included sexual comments. These communications were unwelcome, unprofessional, and inconsistent with her role as my professor.

On September 3, 2025, September 15, 2025, and September 25, 2025, Dr. Brown sent sexual comments about me in a group text message exchange that included other individuals. These messages caused me distress and embarrassment and contributed to an environment in which I felt uncomfortable and unsafe as a student.

As a result of this conduct, I have experienced emotional distress and difficulty fully participating in my educational activities. I am submitting copies of the relevant emails and group text messages as supporting documentation.

I want Sample University to take appropriate action in accordance with its Title IX policies and procedures. Please let me know if additional information is needed from me as part of this process.

Thank you for your attention to this matter.

Sincerely,

Sally Fields

Sally Fields
Student, Sample University
October 27, 2025

TITLE IX SOLUTIONS, LLC

CONSOLIDATION OF FORMAL COMPLAINTS

SCHOOLS MAY CONSOLIDATE FORMAL COMPLAINTS:

- Against more than one Respondent
- By more than one Complainant against one or more Respondents
- By one party against the other, where the allegations arise out of the same facts or circumstances

REMINDER:



IF TITLE IX COORDINATOR SIGNS A FORMAL COMPLAINT, THE TITLE IX COORDINATOR IS NOT A COMPLAINANT OR OTHERWISE A PARTY.



TRAINING POINT

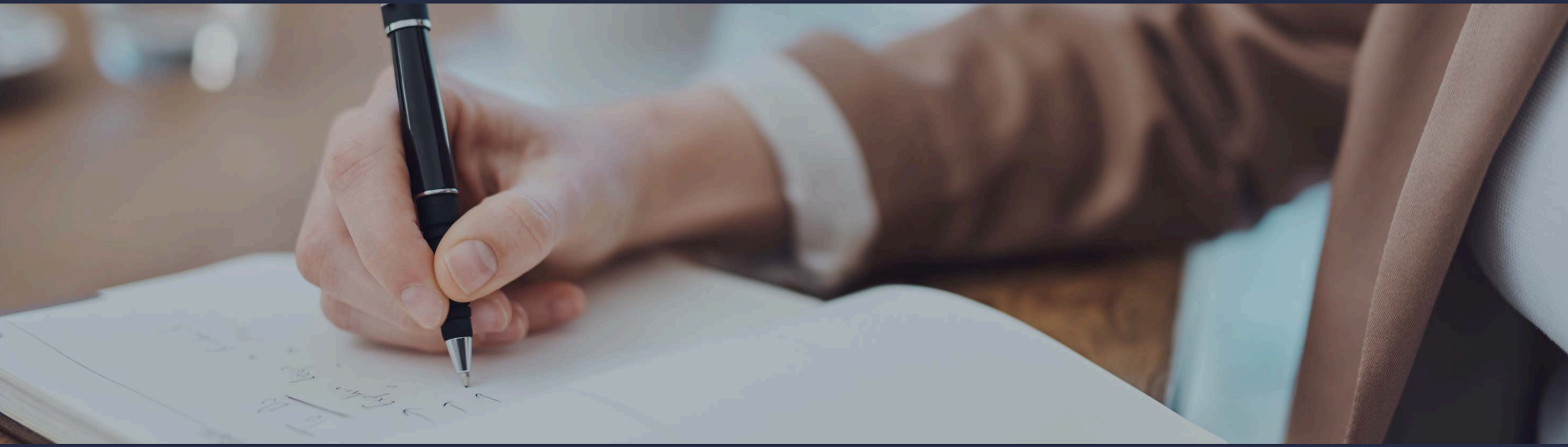
WHAT CRITERIA WOULD BE RELEVANT IN HELPING A TITLE IX COORDINATOR DECIDE WHETHER TO FILE A FORMAL COMPLAINT?

FACTORS TO CONSIDER

WHEN DETERMINING WHETHER TO FILE A FORMAL COMPLAINT, COORDINATORS MAY CONSIDER:

- The Complainant's request not to proceed with filing a formal complaint
- The Complainant's reasonable safety concerns regarding filing of a formal complaint
- The risk that additional acts of sexual harassment would occur if a complaint is not initiated
- The severity of the allegations
- The age and relationship of the parties, including whether the Respondent is an employee of the school
- The scope of the allegations, including information suggesting a pattern, ongoing sexual harassment, or conduct alleged to have impacted multiple individuals
- Additional case-specific factors

DRAFTING THE NOTICE OF ALLEGATIONS



GRIEVANCE PROCESS

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PURPOSE OF THE NOTICE OF ALLEGATIONS

CONSISTENT

TRANSPARENT

COMPLIANT

ELEMENTS OF THE NOTICE OF ALLEGATIONS

UPON RECEIPT OF A FORMAL COMPLAINT, THE TITLE IX COORDINATOR MUST ISSUE WRITTEN NOTICE TO THE PARTIES, IF KNOWN.

THE NOTICE MUST CONTAIN THE FOLLOWING INFORMATION:

1. Notice of the allegations potentially constituting sexual harassment under Title IX, including:
    - Sufficient details known at the time, such as:
        - Identities of the Parties involved in the incident (if known)
        - Description of the conduct allegedly constituting Title IX sexual harassment
        - Date and location of the alleged incident (if known)

ELEMENTS OF THE NOTICE OF ALLEGATIONS

THE NOTICE MUST CONTAIN THE FOLLOWING INFORMATION:

2. Statement that if, during the course of an investigation, the school decides to investigate allegations about the Complainant or Respondent that are not included in the Notice, the school will provide written Notice of the additional allegations to the parties whose identities are known

3. Statement that the Respondent is presumed not responsible for the alleged conduct unless and until the determination of responsibility is final

ELEMENTS OF THE NOTICE OF ALLEGATIONS

THE NOTICE MUST CONTAIN THE FOLLOWING INFORMATION:

4. Notice and copy of the school's Title IX grievance process
5. Statement that the Parties have the right to inspect and review evidence collected during the investigation
6. Statement that a determination of responsibility is made at the conclusion of the grievance process
7. Option for informal resolution, if appropriate and permitted

ELEMENTS OF THE NOTICE OF ALLEGATIONS

THE NOTICE MUST CONTAIN THE FOLLOWING INFORMATION:

8 Statement that the Parties have a right to an Advisor of their choice.



An Advisor may be, but is not required to be, an attorney.



A Party's Advisor may be a friend, teacher, parent, professor, etc.



Parties have the option to include the Advisor in any meeting or interview.

ELEMENTS OF THE NOTICE OF ALLEGATIONS

THE NOTICE MUST CONTAIN THE FOLLOWING INFORMATION:

9. Reference to any provision in the school's code of conduct or other policy that prohibits knowingly making false statements or knowingly submitting false information during the grievance process

ADDITIONAL ELEMENTS TO INCLUDE

- Provide the name and contact information of the Title IX Coordinator and Investigator
- Include a statement that retaliation is prohibited, and define retaliation under Title IX
- Relay confidentiality expectations, as outlined under Title IX and school policy (sometimes referred to as “privacy” within a policy)
- Provide a list of campus and community support resources
- Provide information about disability services and the process for requesting reasonable accommodations

PRACTICAL TIPS

- Prepare the Notice of Allegations on school letterhead, then attach it to an email
- Consider the reading level of the Parties and do your best to use accessible language
- Make yourself available to Parties and the Advisors so they can ask questions, discuss the process, etc.
- Proofread this Notice! Misspellings impact trust and confidence
- Send these notices to both the Complainant and Respondent at the same time

SAMPLE NOTICE OF ALLEGATIONS

SAMPLE UNIVERSITY

October 31, 2025
To: Sally Fields (sally.fields@sample.edu)

RE: WRITTEN NOTICE OF ALLEGATIONS UNDER TITLE IX AND FORMAL INVESTIGATION

Sample University (“University”) has received a formal complaint of conduct that may constitute sexual harassment under Title IX Regulations (34 C.F.R. part 106). The University’s Title IX Policy and grievance policy are located here and attached to this email.

The purpose of this correspondence is to provide all parties with notice of the allegations and to provide certain other information as required by law. This letter constitutes the required notification of the allegations of sexual harassment and notification of Sample’s grievance process as required by Title IX.

The Complainant in this matter is Sally Fields (“Complainant”). The Respondent is Charlotte Brown

The following is a summary of the allegations of sexual harassment contained in the complaint. According to the Complainant, the alleged conduct occurred between September and October, while the Complainant was in the Respondent’s Rhetoric at Work class.
During this time, complainant alleges that the Respondent:
1.Sent emails with inappropriate comments on the basis of sex to the complainant on September 12, 2025, September 21, 2025, and October 20, 2025.
2.Sent text messages that included inappropriate comments on the basis of sex to the complainant in a group chat on September 3, 2025, September 15, 2025, and September 25, 2025...

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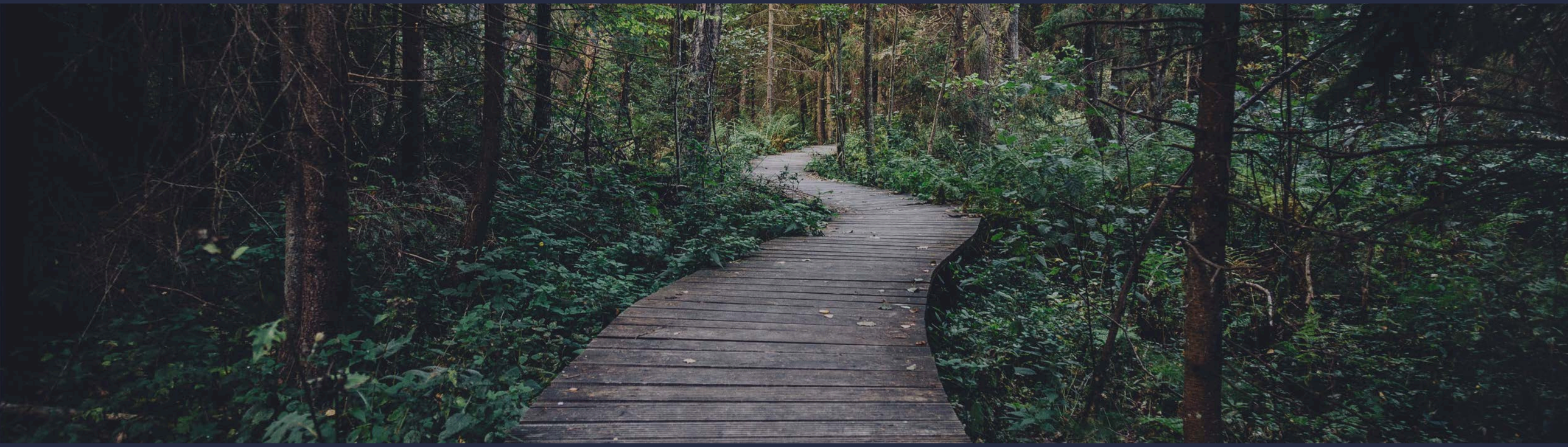
INITIATING THE TITLE IX GRIEVANCE PROCESS



TITLE IX SOLUTIONS



ENGAGING TITLE IX TEAM MEMBERS

SHARE WITH TEAM MEMBERS THE FOLLOWING INFORMATION:

- Date of the formal complaint
- Potential timeline of the grievance process and their expected participation
- Confidentiality requirements
- Reminder that all Title IX personnel are prohibited from having a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent participating in the process
    - Provide the names of the Complainant & Respondent
    - Inform Title IX personnel that they must contact you immediately and recuse themselves from the case if they have a conflict of interest or bias
- Copy of the Title IX or Sexual Harassment Policy



COMMUNICATING WITH THE PARTIES

FACILITATE A TRANSPARENT AND EQUITABLE PROCESS BY PROVIDING REGULAR UPDATES TO THE PARTIES.

SUPPORTIVE MEASURES

- Check in to confirm supportive measures are meeting the Parties' needs and/or offer alternative measures

STATUS UPDATES

- Provide status updates, explain which stage of the Title IX process is taking place, and outline what to expect in the coming weeks



COMMUNICATING WITH THE PARTIES

FACILITATE A TRANSPARENT AND EQUITABLE PROCESS BY PROVIDING REGULAR UPDATES TO THE PARTIES.

INTRODUCTIONS

- Share the name of the Title IX Investigator, Decision-Maker, Appellate Decision-Maker, and Informal Resolution Facilitator, when appropriate

AVAILABILITY

- Reiterate the Title IX Coordinator's role and availability to answer questions in person, via email, etc.

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TITLE IX INVESTIGATIONS



IN THIS SESSION

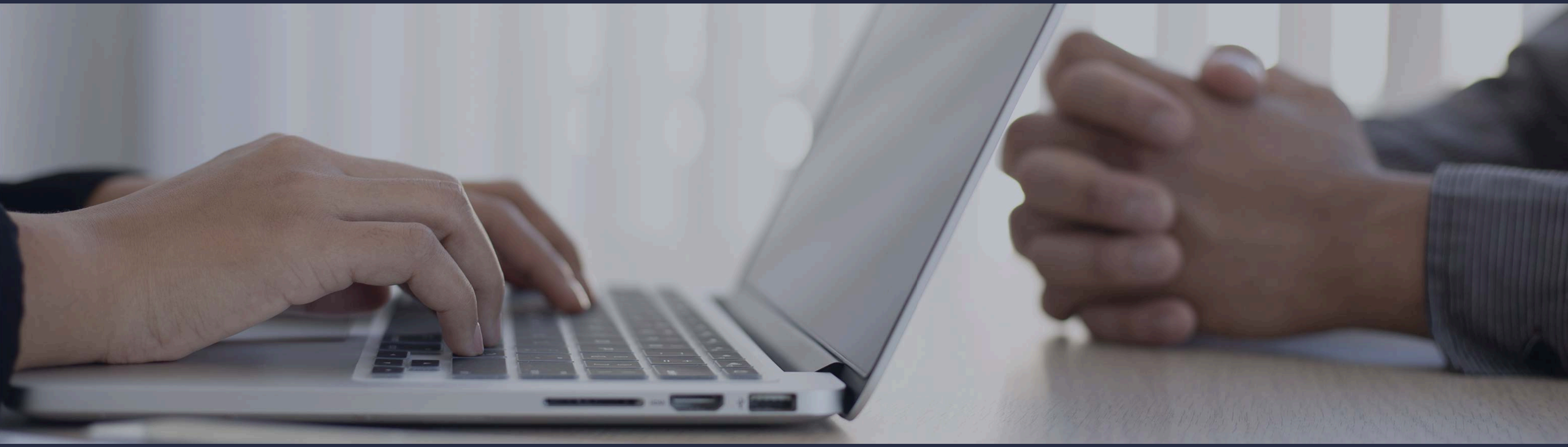


CONDUCTING COMPLIANT TITLE IX INVESTIGATIONS



UNDERSTANDING THE COORDINATOR'S ROLE IN TITLE IX INVESTIGATIONS

CONDUCTING COMPLIANT TITLE IX INVESTIGATIONS



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GRIEVANCE PROCESS

1. INTAKE & REVIEW
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TITLE IX REQUIREMENTS

DURING THE INVESTIGATION, THE SCHOOL MUST:

> *"Provide an equal opportunity for the parties to present witnesses (including fact and expert witnesses), and other inculpatory and exculpatory evidence;"*
>
> §106.45 (b)(5)(ii)

- Do not restrict the ability of the Parties to present evidence
  - The Investigator should be open to receiving any and all evidence provided by Parties and/or witnesses.
  - A relevance determination can be made at a later time to determine what will be included in the investigation report.
- Ensure school policy clearly outlines what type of witnesses are permitted.

INCULPATORY VS. EXCULPATORY



INCULPATORY

Evidence which tends to corroborate the allegations



EXCULPATORY

Evidence which tends to contradict the allegations

TITLE IX SOLUTIONS

TITLE IX REQUIREMENTS

DURING THE INVESTIGATION, THE SCHOOL MUST:

> *"Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;"*
>
> §106.45 (b)(5)(iii)

- Gag orders are not allowed!
- A school may place restrictions on discussing specific evidence or sharing the investigation report.

TITLE IX REQUIREMENTS

DURING THE INVESTIGATION, THE SCHOOL MUST:

"Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the recipient may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;"

§106.45 (b)(5)(i)



KEY DOCUMENT: ADVISOR PARTICIPATION AGREEMENT

TITLE IX REQUIREMENTS

DURING THE INVESTIGATION, THE SCHOOL MUST:

> *"Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;"*
>
> §106.45 (b)(5)(v)



KEY DOCUMENT: NOTICE OF MEETING/NOTICE OF INTERVIEW

TITLE IX REQUIREMENTS

DURING THE INVESTIGATION, THE SCHOOL MUST:

- Share all directly related evidence to the parties and their Advisors for their inspection and review.

> *"Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation."*

§106.45 (b)(5)(vi)

TITLE IX REQUIREMENTS

DURING THE INVESTIGATION, THE SCHOOL MUST:

- Give parties at least 10 days to review and submit a written response.

> *"Prior to 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 in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. The recipient must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination;"*
>
> §106.45 (b)(5)(vi)

TITLE IX REQUIREMENTS

DURING THE INVESTIGATION, THE SCHOOL MUST:

- Give parties at least another 10 days to review and respond to the final report before a hearing is held.

> *"Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response."*



KEY DOCUMENT: INVESTIGATION REPORT TEMPLATE

ELEMENTS OF INVESTIGATION REPORT

AT THE CONCLUSION OF THE INVESTIGATION, THE INVESTIGATOR WILL PREPARE A WRITTEN REPORT WHICH WILL:

- Identify the allegations
- Identify relevant policies, guidelines, and other standards
- Explain the procedural steps taken between receipt of the formal complaint and the conclusion of the investigation, including all notifications to the Parties, interviews with the Parties, interviews with other Witnesses, dates of all interviews, any site visits, and the methods used to gather evidence
- Fairly summarize relevant evidence

UNDERSTANDING THE COORDINATOR'S ROLE IN TITLE IX INVESTIGATIONS



TITLE IX SOLUTIONS

SELECTING THE INVESTIGATOR

FACTORS TO CONSIDER:

- Minimum requirement:

> *"A recipient also must ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence..."*

- Conflicts of interest and/or actual and perceived biases
- Best practices:
  - Investigator who has experience with Title IX
  - Received trauma-informed training and implicit bias training
  - Has experience writing investigation reports
  - Has capacity to conduct a prompt investigation

SHARE KNOWN INFORMATION WITH THE INVESTIGATOR

- Initial Report
- Formal Complaint
- Notice of Allegations
- Any meeting notes from interactions with Complainant, Respondent, or Witnesses

SENDING REQUIRED COMMUNICATION

- Notice of Meeting/Notice of Interview
- Notice of Delays for Good Cause
- Investigation file
- Investigation report

ENSURE COMPLIANCE WITH TITLE IX AND SCHOOL'S POLICY

- Regularly check-in on investigation status
- Ask the Investigator to provide regular updates to you and the Parties
- Ask the investigator to make you aware of delays for good cause
- Ensuring required response periods are being observed
  - 10 days for response to investigation file
  - Provision of investigation report 10 days prior to decision-making process
- Review evidence and reports

PROVIDING SUPPORT

- Provide administrative support for the Investigator(s)
  - Secure rooms
  - Assist with technology
  - Order transcripts
- Review documents
  - Questioning scripts/playbooks
    - May consider having bookend meetings with the Investigator(s) to determine if questions have yielded the necessary information
  - Investigation file
  - Investigation report
- Serve as a resource for parties and Advisors
  - Provide information regarding process-related issues or questions
  - Coordinate and monitor supportive measures

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TITLE IX DECISION-MAKING PROCESSES



IN THIS SESSION



CONDUCTING COMPLIANT TITLE IX DECISION-MAKING PROCESSES



SANCTIONS AND REMEDIES



UNDERSTANDING THE COORDINATOR'S ROLE IN DECISION-MAKING PROCESSES

CONDUCTING COMPLIANT DECISION-MAKING PROCESSES



TITLE IX SOLUTIONS

GRIEVANCE PROCESS

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WE ARE HERE

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TITLE IX REQUIREMENTS

> *"The decision-maker(s)...cannot be the same person(s) as the Title IX Coordinator or the Investigator(s)..."*
>
> §106.45 (b)(7)(i)

- Title IX Decision-Makers must also be free of conflict of interest and bias!
- You may have more than one Decision-Maker, such as a panel.

TITLE IX REQUIREMENTS

"For postsecondary institutions, the recipient's grievance process must provide for a live hearing. At the live hearing, the decision-maker(s) must permit each Party's advisor to ask the other Party and any witnesses all relevant questions and follow-up questions, including those challenging credibility."

§106.45 (b)(5)(i)

- This is a non-negotiable aspect of the decision-making process in higher ed.

TITLE IX REQUIREMENTS

"If a Party does not have an advisor present at the live hearing, the recipient must provide without fee or charge to that Party, an Advisor of the recipient's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that Party."

§106.45 (b)(6)(i)

- A Party may choose to utilize a school-provided Advisor much earlier than at the live hearing.
- This individual may be a parent, friend, coach, or other non-attorney individual.

TITLE IX REQUIREMENTS

> *"Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the Party's advisor of choice and never by a Party personally, notwithstanding the discretion of the recipient under paragraph (b)(5)(iv) of this section to otherwise restrict the extent to which advisors may participate in the proceedings."*
>
> §106.45 (b)(6)(i)

- A Party is not allowed to question or speak to the other Party in the live hearing.
- You may establish rules for the Advisor, however, they must be applied to both Parties' Advisors.

TITLE IX REQUIREMENTS

"Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Decision-Maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant."

§106.45 (b)(5)(i)



TITLE IX REQUIREMENTS

> *"At the request of either Party, the recipient must provide for the live hearing to occur with the Parties located in separate rooms with technology enabling the decision-maker(s) and Parties to simultaneously see and hear the Party or the witness answering questions."*
>
> §106.45 (b)(5)(i)

- Parties can be, but are not required to be in the same room.
- Videoconferencing and remote technology is permitted, as long as the hearing is live, and the Parties can be seen and heard in real time.

TITLE IX REQUIREMENTS

> *"Recipients must create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the Parties for inspection and review."*
>
> §106.45 (b)(7)(i)

- This recording and/or transcript must be kept for seven years as required by Title IX Regulations regarding recordkeeping.
- Your school policy may dictate which format is provided to Parties for inspection and review.



TRAINING POINT

LET'S DISCUSS RELEVANCE AS IT RELATES TO THE TITLE IX GRIEVANCE PROCESS.

TITLE IX SOLUTIONS

DIRECTLY RELATED VS. RELEVANT

Neither term is explicitly defined in the Title IX Regulations.

DIRECTLY RELATED

Evidence that is connected to the complaint but **does not** tend to prove or tend to disprove the complaint or allegations.

Example: A receipt from a lunch date at the campus dining hall between the Complainant and Respondent.

- Provided by the Complainant at their investigative interview

RELEVANT

Evidence pertinent to proving whether facts material to the allegations under investigation are more or less likely to be true.

Example: An email with attached nude images the Respondent allegedly sent to the Complainant later that evening via the Respondent's campus email account.

- Provided by the Complainant at their investigative interview

WHAT IS NEVER RELEVANT?

AS OUTLINED IN THE TITLE IX REGULATIONS, THE FOLLOWING EVIDENCE IS NEVER RELEVANT:

- Evidence about a Complainant's prior sexual behavior, except when:

EXCEPTIONS:

1. Questions and evidence are offered to prove someone other than Respondent committed alleged conduct

2. Questions and evidence concerning specific incidents of the Complainant's prior sexual behavior with respect to the Respondent are offered to prove consent

WHAT IS NEVER RELEVANT?

AS OUTLINED IN THE TITLE IX REGULATIONS, THE FOLLOWING EVIDENCE IS NEVER RELEVANT:

- Additionally, a school's grievance process must not use, rely on, or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

EXAMPLES:



- Medical records
- Academic records protected under FERPA
- Conversations with privileged individuals such as counselors or clergy



Consider creating a written waiver of rights to privacy of these records for Parties who wish to submit privileged information as evidence.

REFUSAL TO PARTICIPATE

- It is the right of each Party and Witness not to attend the hearing. They also have the right to refuse answering any or all questions asked during the hearing.
- If the Party refuses to submit to cross-examination, the Decision-Maker:



> "must not rely on any statement of that Party or Witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a Party's or Witness's absence from the live hearing or refusal to answer cross-examination or other questions"

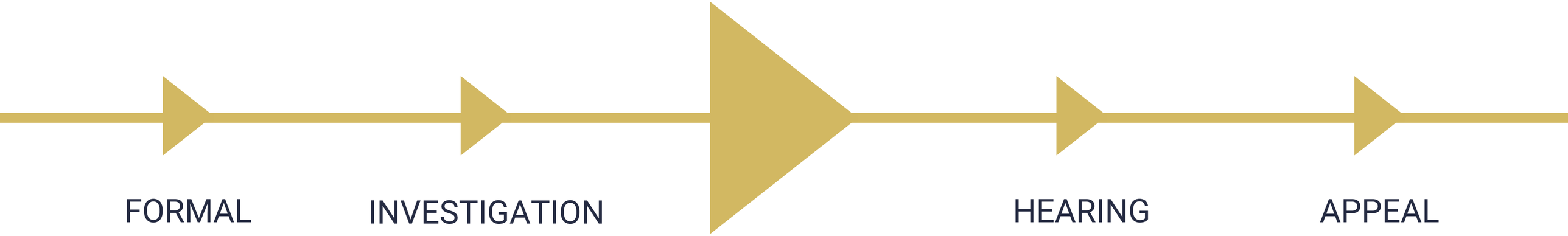
§106.45 (b)(6)(i)



A federal court vacated regulatory language in the 2020 amendments that prohibited decision-makers in postsecondary schools from relying on statements by individuals who did not submit to cross-examination during a live hearing. As a result, postsecondary schools are no longer subject to this language.

A DECISION-MAKER CAN RELY ON PREVIOUS STATEMENTS OF A PARTY OR WITNESS, EVEN IF THEY CHOOSE NOT TO PARTICIPATE IN THE HEARING.

PRE-HEARING MEETING



- Led by the Title IX Coordinator and/or Decision-Maker(s)
- Not mandated by Title IX regulations, but permitted, and is a best practice
- Meeting before the hearing to walk through the hearing process, rules, and answer any procedural questions the Parties and/or Advisors may have

LIVE HEARING



- The Decision-Maker will preside over the hearing, while the Title IX Coordinator may be present to assist with facilitation

SAMPLE NOTICE OF HEARING

SCHOOL NAME

October 1, 2026

To: Name
Sent electronically to: Email Address

PERSONAL AND CONFIDENTIAL

Re: Title IX Sexual Harassment – Notice of Hearing

Dear Name:

In accordance with the federal Department of Education Title IX regulations (“Title IX”) and the Name of Title IX Policy, hereinafter referred to as “the Title IX Policy,” the investigation into the formal complaint submitted to the College on Date, has been referred to the Decision-Maker for the live hearing and determination regarding responsibility.

This Notice of Hearing outlines the decision-making process, as required under Title IX and the School Name Sexual Misconduct Policy.

I. GENERAL INFORMATION ABOUT THE PRE-HEARING MEETING AND HEARING

- Pre-Hearing Meeting

This letter serves as notice that the pre-hearing meeting has been scheduled to occur on the following date:

HEARING AGENDA

1. Opening of the Hearing
2. Opening Statements (optional)
3. Introduction of Testimonial Evidence
4. Closing Statements (optional)
5. Closing of the Hearing

GRIEVANCE PROCESS

1. INTAKE & REVIEW
2. FORMAL COMPLAINT
3. NOTICE OF ALLEGATIONS
4. INVESTIGATION
5. DECISION-MAKING PROCESS
6. **WRITTEN DETERMINATION**
7. APPEAL



WE ARE HERE

DETERMINATION REGARDING RESPONSIBILITY

- Drafted and issued by the Decision-Maker
- Based upon relevant evidence and testimony obtained during the grievance process applied to the school's standard of proof
- A statement of, and rationale for, the result of each alleged policy violation (i.e., "responsible" or "not responsible" for violating the policy)
- Includes a credibility assessment when applicable and relevant
- Also referred to as the "Written Determination"

KEY ELEMENTS

TITLE IX STATES THAT THE WRITTEN DETERMINATION MUST INCLUDE:

1. Identification of the allegations potentially constituting sexual harassment as defined under Title IX
2. Description of the procedural steps taken from receipt of formal complaint through the determination
3. Findings of fact supporting the determination
4. Conclusions regarding the application of school's code of conduct to the facts

KEY ELEMENTS

TITLE IX STATES THAT THE WRITTEN DETERMINATION MUST INCLUDE:

5. A statement of, and rationale for, the result as to each allegation, including:
   - A determination regarding responsibility;
   - Any disciplinary sanctions the school imposes on the Respondent;
   - Whether remedies designed to restore or preserve equal access to the school's education program or activity will be provided by the school to the Complainant; and

6. The school's procedures and permissible bases for the Complainant and Respondent to appeal.

TITLE IX REQUIREMENTS

> *"The recipient must provide the written determination to the Parties simultaneously. The determination regarding responsibility becomes final either on the date that the recipient provides the Parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely."*
>
> §106.45 (b)(5)(i)

- Send these at the same time and document!

SANCTIONS AND REMEDIES



OUTCOMES

WRITTEN DETERMINATION IS ISSUED

RESPONDENT IS NOT FOUND RESPONSIBLE

- School may continue to offer supportive measures to the Complainant where practical.
- Engage in a conversation with the Complainant to determine what is needed and for what length of time.

RESPONDENT IS FOUND RESPONSIBLE

- Sanctions and remedies will be put into place by the school

WHAT ARE SANCTIONS?

- Disciplinary sanctions are punitive measures implemented for the Respondent following a determination of responsibility
- Refer to the school policy for a list or range of possible disciplinary sanctions
- Title IX does not prescribe specific sanctions for each type of conduct
  - Discretion is left to schools to determine sanctions on a case by case basis
  - Some schools may have specific guidelines or matrices for sanctioning according to each policy violation
- All sanctions must be included in and issued with the final written determination

TITLE IX REQUIREMENTS

"Describe the range of possible disciplinary sanctions and remedies or list the possible disciplinary sanctions and remedies that the recipient may implement following any determination of responsibility."

§106.45(b)(1)(vi)

“A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient’s education program or activity will be provided by the recipient to the complainant”

§106.45(b)(7)(ii)(E)



SANCTIONS

- Verbal or written warning
- Mandatory education or counseling
- Community service
- Removal from campus housing
- Removal from extracurricular activity or sports team
- Disciplinary probation
- Withholding of diploma
- Expulsion
- Termination from employment
- Loss of faculty tenure

TITLE IX SOLUTIONS

WHAT ARE REMEDIES?

- Implemented following the determination that the Respondent was responsible.
- Intended to restore Complainant's access to the educational program or activity.
- Unlike supportive measures, remedies can burden the Respondent.

"The details of remedies provided to the Complainant remain part of the Complainant's education record and not the Respondent's education record, unless the remedy also imposes requirements on the Respondent."

(p. 1458 Preamble to the Title IX Regulations)

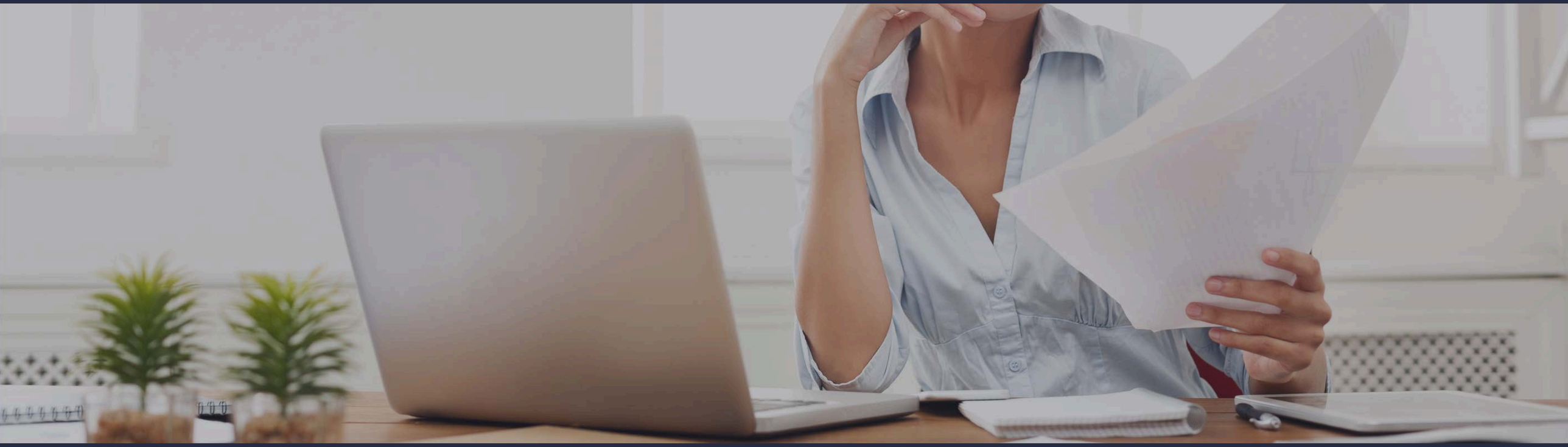


TRAINING POINT

WHO WILL ULTIMATELY BE RESPONSIBLE FOR DETERMINING STUDENT SANCTIONS IF THE RESPONDENT IS FOUND RESPONSIBLE?

WHAT IF THE RESPONDENT IS AN EMPLOYEE?

UNDERSTANDING THE COORDINATOR'S ROLE IN THE DECISION-MAKING PROCESS



TITLE IX SOLUTIONS

SELECTING THE DECISION-MAKER

FACTORS TO CONSIDER:

- Levels of training

> *"A recipient must ensure that decision-makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant…"*

- Conflicts of interest and/or actual and perceived biases
- Availability to conduct the decision-making process, including the live hearing

SHARING KNOWN INFORMATION WITH THE DECISION-MAKERS

- Formal Complaint
- Notice of Allegations
- Investigation Report
- Investigation File (Evidence)

SENDING REQUIRED COMMUNICATION

- Notice of Meeting (pre-hearings)
- Notice of Hearing
- Procedural requirements regarding the credibility assessment process
- Written Determination Regarding Responsibility

OVERSEE PROCESS & MONITORING TIMELINE

- Pre-hearing meetings
- Assisting Decision-Maker(s) in live hearing preparation
  - Reviewing policy for specific procedural requirements
  - Creating a cursory script or agenda
- Timeline for drafting written determination
- Being made aware of delays for good cause
- Monitoring the duration of the live hearing
- Monitoring for appeal submission following the issuance of the determination

PROVIDING SUPPORT

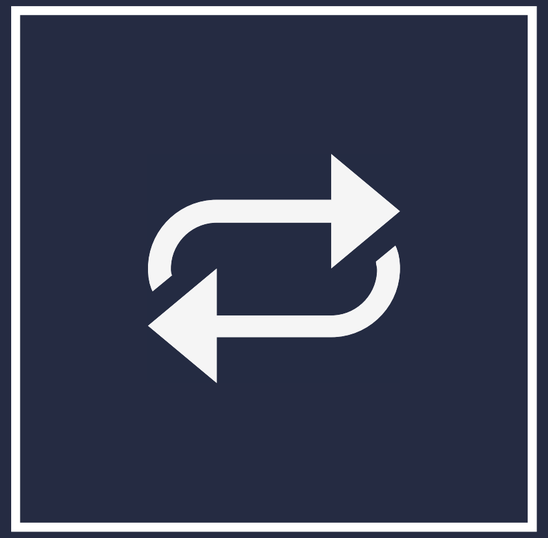
- Provide administrative support for Decision-Maker(s)
  - Secure rooms
  - Assist with set-up of technology and troubleshoot
  - Creating record of hearing
  - Order transcripts (if needed)
  - Facilitate the hearing
  - Provide evidence to Decision-Maker, parties, and Advisors upon request
  - Coordinate witnesses (if needed)
- Review documents
  - Written determination regarding responsibility
- Serve as a resource for Parties and Advisors
  - Provide information regarding process-related issues or questions
  - Coordinate and monitor supportive measures

TITLE IX SOLUTIONS, LLC

THE APPEAL PROCESS



IN THIS SESSION

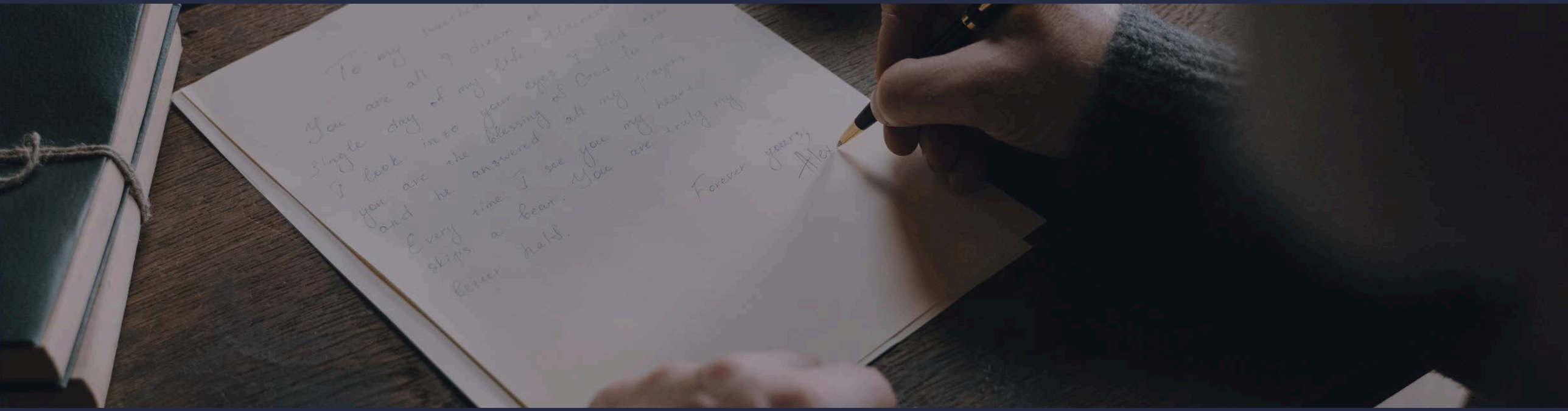


THE APPEAL PROCESS



UNDERSTANDING THE COORDINATOR'S ROLE IN TITLE IX APPEALS

THE APPEAL PROCESS



GRIEVANCE PROCESS



INTAKE & REVIEW

FORMAL COMPLAINT

NOTICE OF ALLEGATIONS

INVESTIGATION

DECISION-MAKING PROCESS

WRITTEN DETERMINATION

APPEAL

WE ARE HERE

APPEALING A DECISION

1. Title IX Regulations require that a school provide an appeal from a determination regarding responsibility and from a recipient's dismissal of a formal complaint or any allegations therein

2. The appeal process is available to both the Complainant and Respondent

3. The Appellate Decision-Maker must be a separate individual who was not involved in the investigation or the decision to dismiss the complaint.

APPEALING A DECISION

4. Parties must be notified in writing when an appeal is filed

5. Appeal procedures must be implemented equally for both Complainant and Respondent

6. Parties must have a reasonable opportunity to submit a written statement supporting or challenging the determination

7. Parties must be issued simultaneously a written decision describing the result of the appeal and the rationale, drafted by the Appellate Decision-Maker

BASES OF APPEAL

REQUIRED:

1. Procedural irregularity that affected the outcome of the matter.
2. New evidence that was not reasonably available at the time the determination or dismissal was made, which could affect the outcome of the matter.
3. Conflict of interest or bias by the Title IX Coordinator, Investigator(s) or Decision-Maker(s)

§106.45(b)(8)

BASES OF APPEAL

PROCEDURAL IRREGULARITY THAT AFFECTED THE OUTCOME OF THE MATTER.

1. Respondent was only given four days to inspect evidence and provide a written response when the Title IX Regulations stipulate parties have ten days.
2. Complainant was not allowed to cross-examine one of the Respondent's witnesses who was present during the hearing due to "time constraints"
3. The Respondent was not allowed an Advisor in the pre-hearing meeting.

§106.45(b)(8)

BASES OF APPEAL

NEW EVIDENCE THAT WAS NOT REASONABLY AVAILABLE AT THE TIME THE DETERMINATION OR DISMISSAL WAS MADE, WHICH COULD AFFECT THE OUTCOME OF THE MATTER.

1. A previously unknown Witness came forward with information regarding the incident after hearing about the incident from a friend.

2. A Respondent was able to recover an email containing a conversation with the Complainant he previously believed to be deleted.

§106.45(b)(8)

BASES OF APPEAL

CONFLICT OF INTEREST OR BIAS BY THE TITLE IX COORDINATOR, INVESTIGATOR(S) OR DECISION-MAKER(S)

1	Respondent discovered the Decision-Maker has made several public statements on social media about their unwavering support for sexual assault survivors and their extreme distrust of males.
2	Complainant learned the Title IX Investigator is an involved athletic booster for the football team which the Respondent plays on.

§106.45(b)(8)

OPTIONAL BASES OF APPEAL

SCHOOLS MAY PROVIDE OTHER BASES OF APPEAL AS LONG AS THEY APPLY EQUALLY TO BOTH PARTIES.

SANCTIONS BEING INADEQUATE OR EXCESSIVE

1. The Complainant appeals, citing that the sanction of mandatory counseling for stalking was insufficient.

2. Respondent appeals, stating a sanction of termination of employment was excessive for his offense of sexual harassment as a previous co-worker received a written warning for a similar offense.

§106.45(b)(8)



Review your school policy to identify if additional bases exist

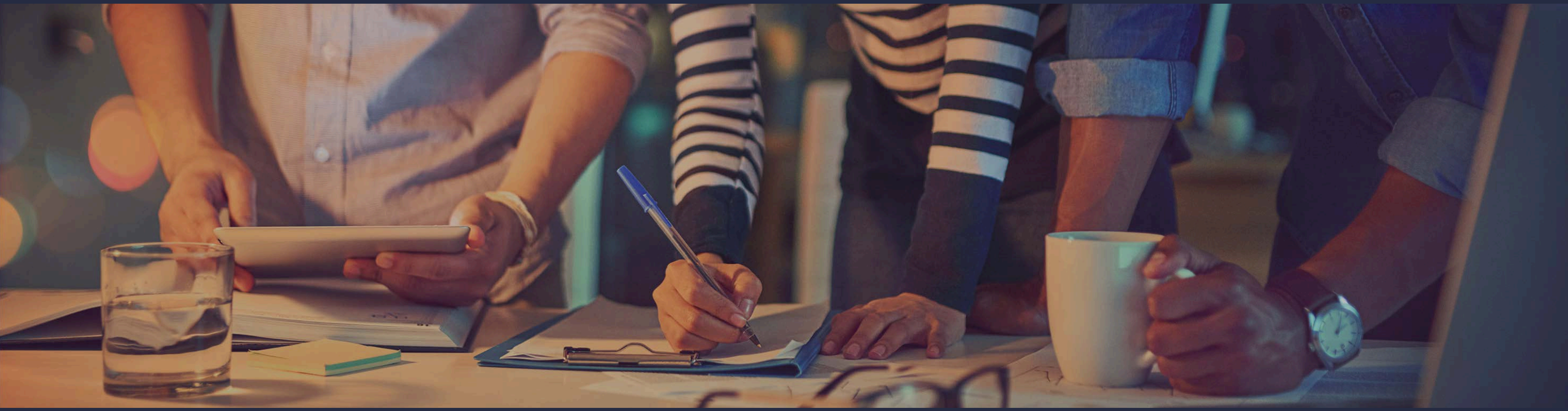
APPEAL OUTCOMES

IF A REQUEST FOR APPEAL IS ACCEPTED, THE APPELLATE DECISION-MAKER WILL REVIEW AND CONSIDER THE INFORMATION.

AT THE CONCLUSION OF THEIR REVIEW, THE FOLLOWING ARE POSSIBLE:

Appellate Decision-Maker upholds original determination	Appellate Decision-Maker determines the appeal was valid under one of the listed bases
• Title IX grievance process ends	• New investigation may take place • New hearing may take place • If policy allows sanctions to be appealed, a new sanction may be imposed

UNDERSTANDING THE COORDINATOR'S ROLE IN TITLE IX APPEALS



TITLE IX SOLUTIONS

SELECTING THE APPELLEATE DECISION-MAKER(S)

FACTORS TO CONSIDER:

- Levels of training

> *"A recipient must ensure that decision-makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant…"*

- Conflicts of interest and/or actual and perceived biases
- Availability to conduct the appellate decision-making process

SHARING KNOWN INFORMATION WITH THE APPELLATE DECISION-MAKER(S)

- Written Determination Regarding Responsibility
- Appeal Basis
- Investigation Report & File
- New Evidence (if shared)

SENDING REQUIRED COMMUNICATION



Notice of Appeal



Procedural requirements regarding the appeal process



Appellate determination

OVERSEE PROCESS & MONITOR TIMELINE

- Deadline for submitting appeal
- Deadline for response to appeal
- Other appellate timelines specified in institutional policy
    - Timeline for appellate determinations

PROVIDING SUPPORT

- Provide administrative support for Appellate Decision-Maker(s)
- Review documents
  - Appellate determination
- Serve as a resource for Parties and Advisors
- Provide information regarding process-related issues or questions
- Coordinate and monitor supportive measures



BREAK TIME!

TITLE IX SOLUTIONS

TITLE IX SOLUTIONS, LLC

TITLE IX INFORMAL RESOLUTION PROCESS



IN THIS SESSION



AN INTRODUCTION TO INFORMAL RESOLUTION



GUIDELINES FOR EVALUATING SUITABILITY



THE NOTICE OF INFORMAL RESOLUTION



EVALUATING SCENARIO CASES

AN INTRODUCTION TO INFORMAL RESOLUTION



TITLE IX SOLUTIONS

GRIEVANCE PROCESS

1. INTAKE & REVIEW
2. FORMAL COMPLAINT
3. NOTICE OF ALLEGATIONS
4. INVESTIGATION
5. DECISION-MAKING PROCESS
6. WRITTEN DETERMINATION
7. APPEAL

INFORMAL RESOLUTION WINDOW

⚠ A Party may withdraw from the informal resolution process at any time and proceed with the formal grievance process.

TITLE IX SOLUTIONS, LLC



SHOULD THERE BE A DEFINED AMOUNT OF TIME FOR THE INFORMAL RESOLUTION PROCESS TO OCCUR?

REASONABLY PROMPT TIME FRAMES

"Include reasonably prompt time frames for conclusion of the grievance process, including ***reasonably prompt time frames for filing and resolving*** appeals and ***informal resolution processes*** if the recipient offers informal resolution processes, and a process that allows for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action."

§106.45 (b)(1)(v)



Consult the institution's policy to determine if specific timeframes are in place for informal resolution processes.



WHERE CAN INFORMAL RESOLUTION TAKE PLACE?

INFORMAL RESOLUTION LOCATION



VIRTUAL



ON CAMPUS



OFF CAMPUS



IN WRITING



WHAT ARE SOME OF THE BENEFITS OF INFORMAL RESOLUTION UNDER TITLE IX?

BENEFITS TO PARTIES & INSTITUTIONS

INFORMAL RESOLUTION HAS THE POTENTIAL TO:

- Empower Complainants and Respondents to address incidents through a process that best suits their needs
  - Parties determine the outcome and resolution can be creative
- Enhance institutional and Party autonomy by providing schools and Parties with flexibility in addressing unique situations
- Provide a more timely and less expensive option than the live hearing or decision-making process
- Present an opportunity to educate and change behavior
- Allow for confidential results
- Yield remedies which are more customized to the needs of the unique situation and involved Parties

TO COMPARE:



IN THE AMERICAN LEGAL SYSTEM, INFORMAL OR ALTERNATIVE DISPUTE RESOLUTION HAS THE POTENTIAL TO:

- Shorten the timeframe of the grievance process
- Provide greater Party control over outcomes, which may improve Parties' sense of justice and increase compliance with outcomes
- Yield remedies more customized to the needs of unique situation



WHAT ARE THE GOALS OF THE PARTIES AND INSTITUTIONS AS THEY PARTICIPATE IN INFORMAL RESOLUTION PROCESSES?

GOALS FOR THE PARTIES



- Undergo a less intimidating process than the grievance process
- Explore potential for less harsh outcomes
- Provide input regarding outcomes of the process
- Minimize re-traumatization
- Reduce embarrassment for both Parties
- Allow an opportunity for interaction and open dialogue
- Participate in a more personal experience



WHAT SHOULD INFORMAL RESOLUTION PROCESSES LOOK LIKE?

WHAT DO THE REGULATIONS SAY?

"A recipient **may not** require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this section. Similarly, a recipient **may not** require the Parties to participate in an informal resolution process under this section and **may not** offer an informal resolution process unless a formal complaint is filed."

§ 106.45(9)

WHAT DOES THIS MEAN?

- SCHOOLS CANNOT TAKE AWAY A PARTIES' RIGHT TO AN INVESTIGATION AND ADJUDICATION PROCESS FOLLOWING A FORMAL COMPLAINT OF SEXUAL HARASSMENT.
- SCHOOLS CANNOT REQUIRE ANY PARTY TO PARTICIPATE IN AN INFORMAL RESOLUTION PROCESS. IT IS A 100% OPTIONAL PROCESS AND REQUIRES BUY-IN FROM BOTH PARTIES.
- THE INFORMAL RESOLUTION PROCESS CAN ONLY TAKE PLACE ONCE A FORMAL COMPLAINT HAS BEEN FILED.

"However, at any time prior to reaching a determination regarding responsibility the recipient may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication..."

§ 106.45(9)

1. INTAKE & REVIEW
2. FORMAL COMPLAINT
3. NOTICE OF ALLEGATIONS
4. INVESTIGATION
5. DECISION-MAKING PROCESS
6. WRITTEN DETERMINATION
7. APPEAL

RECALL: INFORMAL RESOLUTION CAN HAPPEN AT ANY POINT WITHIN THIS TIMEFRAME.

TITLE IX SOLUTIONS, LLC

"However, at any time prior to reaching a determination regarding responsibility the recipient may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication..."

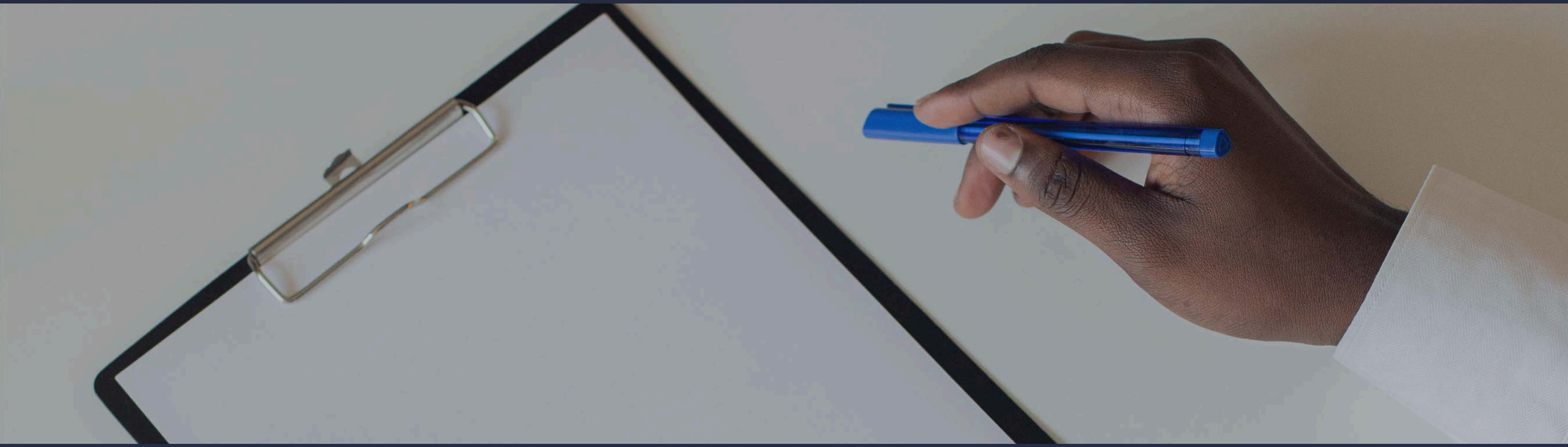
§ 106.45(9)

Provides to the Parties a written notice

Obtains the Parties' voluntary, written consent to the informal resolution process

Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student

GUIDELINES FOR EVALUATING SUITABILITY



TITLE IX SOLUTIONS

TITLE IX REGULATIONS

"However, at any time prior to reaching a determination regarding responsibility the recipient may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication..."

§ 106.45(9)

EVALUATING CASES

EVALUATING CASES MAY TAKE PLACE IN TWO STAGES:

1. Evaluator (usually the Title IX Coordinator) will review available information, including the formal complaint and all allegations.

2. Evaluator may interview the Parties and parents (or confer with the Title IX Investigator) to determine the feasibility and appropriateness of offering the informal resolution process.

GUIDELINES



HAS A FORMAL COMPLAINT BEEN FILED?

BALANCING CONSIDERATIONS FOR THE INSTITUTION



- Was this an isolated situation that will likely not recur even if resolved informally?
- Are there prevention measures that are part of the informal resolution?
- Will the informal resolution result in a better outcome for both parties?
- Does the informal resolution allow for remedies for Complainant?
- This is also a chance to comport with a school mission or philosophy

GUIDELINES FOR EVALUATION

COMPLIANCE



IS THIS CASE ELIGIBLE FOR INFORMAL RESOLUTION ACCORDING TO THE TITLE IX REGULATIONS AND/OR INSTITUTIONAL POLICY?

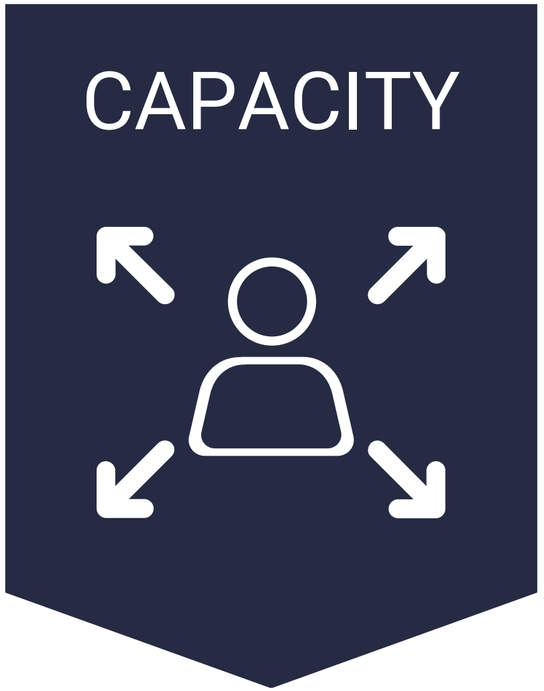
Remember: Informal resolution is never an option for cases involving an employee Respondent and student Complainant.

Are there other cases in which informal resolution would never be offered?

POTENTIAL RED FLAGS

- Presence of physical violence
- Fear of retaliation or danger
- Actual retaliation
- Significant power imbalance
- Participants unable to follow process
- Conflict of interest or bias
- Related legal proceedings

GUIDELINES FOR EVALUATION



DO THE PARTIES AND/OR PARENTS OR LEGAL GUARDIANS HAVE:

- The necessary communication skills to feel comfortable expressing themselves?
  - English language proficiency?
- The capacity to understand the full consequences of informal resolution?
  - Special needs, learning differences?

Remember: Ensure all needs are accounted for and responded to using the appropriate accommodations.

GUIDELINES FOR EVALUATION

SUPPORT



DO THE PARTIES HAVE A SUPPORT NETWORK THAT CAN HELP THEM BEFORE, DURING, AND/OR AFTER THE PROCESS?

Questions to consider:

- Who are the stakeholders in the case?
- Is there a greater community impact?
- What is the ripple effect of the case?

GUIDELINES FOR EVALUATION

SAFETY AND SECURITY



DO THE PARTIES, SUPPORTING INDIVIDUALS, SCHOOL AND INFORMAL RESOLUTION FACILITATOR HAVE THE CAPACITY TO PROVIDE A SAFE EMOTIONAL AND PHYSICAL SPACE FOR ALL PARTICIPANTS?

Questions to consider:

- How will this be measured?
- Has the potential for retaliatory behavior been considered?
- How will it be addressed?

GUIDELINES FOR EVALUATION

CONSENT



DOES THE INFORMAL RESOLUTION FACILITATOR FULLY BELIEVE THE PARTIES CAN CONSENT TO PARTICIPATING IN INFORMAL RESOLUTION WITHOUT DURESS, COERCION, OR PRESSURE DUE TO POWER DIFFERENTIALS?

Questions to consider:

- What is the relationship between the Parties?
- How might this affect the ability of one or both to consent to informal resolution processes?

OFFERING INFORMAL RESOLUTION

THE NOTICE OF ALLEGATIONS MAY CONTAIN A BRIEF STATEMENT OR PARAGRAPH HIGHLIGHTING THE OPPORTUNITY FOR THE PARTIES TO PURSUE INFORMAL RESOLUTION OPTIONS.

Sample Language:

At any time prior to reaching a determination regarding responsibility, you may request an informal resolution process that does not involve a full investigation and adjudication. This process is voluntary and will be initiated only upon receiving written consent from all parties. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the Title IX grievance process. If the matter is resolved through an informal resolution process, the parties may not resume or initiate a formal complaint arising out of the same allegations. To request more information regarding the informal resolution process, please contact the Sample University Title IX Coordinator.

EVALUATING CASES

CONTINUAL MONITORING

Though evaluation for suitability takes place as the grievance process is initiated, the Title IX Coordinator, Investigator, Decision-Maker, and Informal Resolution Facilitator should continually monitor to determine whether circumstances change.

If the previous conditions cannot be met, informal resolution may no longer be a suitable option.

SCENARIO



Ethan (he/him/his) and Abby (she/her/hers) are both juniors and cheerleaders. They have cheered together for three years and consider each other as a friend. Two weeks ago, they traveled by bus to cheer at an away football game.

On the way home from the game, everyone on the bus was drinking “punch” from a huge orange cooler. It was spiked with three kinds of hard alcohol. After an hour or so and consuming several drinks, Abby fell asleep on Ethan’s shoulder, saying, "I just love you so much." Later in the ride, she woke up suddenly as Ethan's hand was touching her inner thigh. She told him to stop but he pushed her against the window. Ethan tried to kiss her while putting his hand up her skirt and digitally penetrating her. Abby shoved him away and went to sit at the front of the bus.

When Ethan was contacted by the Title IX office, he admitted what had happened and said he was very sorry. He explained that he had been very drunk and misunderstood Abby's verbal and non-verbal cues.

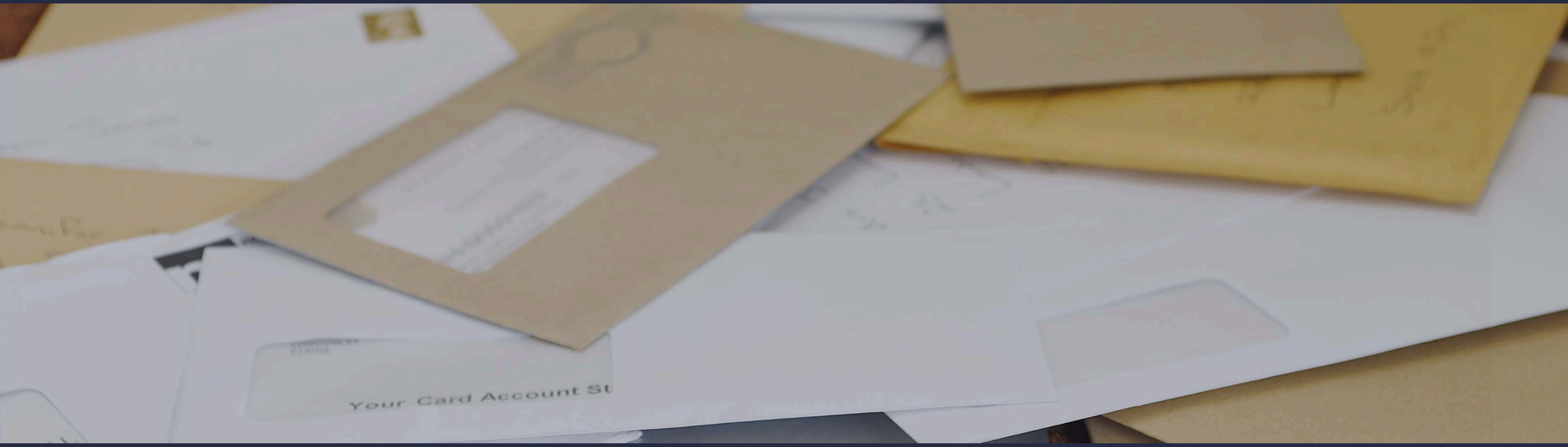
SCENARIO 2

Jared (he/him/his) is a graduate-level Microbiology student and serves as a teaching assistant for BIO 101, Introductory Biology. Alyx (they/them/theirs) is a sophomore in the class. As mid-term exams approached, Alyx decided to ask Jared for extra help on some of the material they didn't understand.

Jared told Alyx that his “going rate” for tutoring was probably too expensive for them, but they could potentially work out a “deal” for payment. Jared and Alyx exchanged phone numbers and Jared immediately began sending overly-friendly texts. Jared told Alyx he could guarantee them an “A” on the mid-term exam if Alyx came over to his apartment for a drink and study session. Alyx accepted the invitation to be polite and alleged that, once there, Jared began touching Alyx’s leg and trying to kiss their neck. Alyx made up an excuse about having to help out their roommate and left Jared’s campus apartment abruptly.

Alyx was furious and filed a formal complaint against Jared. They initially expressed their interest in going through full Title IX grievance process, but now seem tentative in their desire to proceed. They inquired about informal resolution in an email stating, "Something informal is a better option for me because there is just too much at stake with my grade in BIO 101. I have to get an A in this class to get into the nursing program.”

THE NOTICE OF INFORMAL RESOLUTION



TITLE IX REQUIREMENTS

WRITTEN NOTICE OF INFORMAL RESOLUTION PROVIDED TO THE PARTIES MUST INCLUDE:

"The allegations,"

§ 106.45(9)

which can be pulled directly from:



The Formal Complaint



The Notice of Allegations

TITLE IX REQUIREMENTS

WRITTEN NOTICE OF INFORMAL RESOLUTION PROVIDED TO THE PARTIES MUST INCLUDE:

"Requirements of the informal resolution process, including:
- *Circumstances under which it precludes the Parties from resuming a formal complaint arising from the same allegations,"*

§ 106.45(9)

which can be pulled directly from:



Institutional Policy

TITLE IX REQUIREMENTS

WRITTEN NOTICE OF INFORMAL RESOLUTION PROVIDED TO THE PARTIES MUST INCLUDE:

"Requirements of the informal resolution process, including:

- *At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint,"*

§ 106.45(9)

which can be pulled directly from:



Title IX Regulations

TITLE IX REQUIREMENTS

WRITTEN NOTICE OF INFORMAL RESOLUTION PROVIDED TO THE PARTIES MUST INCLUDE:

"Requirements of the informal resolution process, including:

- *Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared."*

§ 106.45(9)

which can be pulled directly from:



Institutional Policy

ADDITIONAL INFORMATION

IT IS BEST PRACTICE TO INCLUDE:



- Confidentiality parameters
- Potential terms of the informal resolution agreement
- Need for written consent to participate in the process
- Date, time, location, participants and purpose of any meeting arising from the informal resolution process
- Name and information about the Informal Resolution Facilitator to confirm absence of bias or conflict of interest

TITLE IX SOLUTIONS, LLC

COMPLIANCE BEYOND THE GRIEVANCE PROCESS



TITLE IX REQUIREMENTS

OTHER THAN FACILITATING A PROMPT AND EQUITABLE GRIEVANCE PROCESS, THE TITLE IX COORDINATOR IS RESPONSIBLE FOR:



Providing proper notice to all students, prospective students, parents, employees, and unions

- Title IX Coordinator name
- contact information
- how and where to report



Disseminating a nondiscrimination notice and compliant Title IX policy.

TITLE IX REQUIREMENTS

OTHER THAN FACILITATING A PROMPT AND EQUITABLE GRIEVANCE PROCESS, THE TITLE IX COORDINATOR IS RESPONSIBLE FOR:



Ensuring the school's Title IX policy is compliant with the grievance procedure requirements under Title IX Regulations.



Training Title IX Investigators, Decision-Makers, and any person who facilitates an informal resolution process, and publishing the training

TITLE IX REQUIREMENTS

OTHER THAN FACILITATING A PROMPT AND EQUITABLE GRIEVANCE PROCESS, THE TITLE IX COORDINATOR IS RESPONSIBLE FOR:



Ensuring Title IX Investigators, Decision-Makers, and any person who facilitates an informal resolution process does not have not have a conflict of interest or bias.



Following requirements for Title IX recordkeeping.

TITLE IX REQUIREMENTS

OTHER THAN FACILITATING A PROMPT AND EQUITABLE GRIEVANCE PROCESS, THE TITLE IX COORDINATOR IS RESPONSIBLE FOR:



Monitoring Title IX compliance in various areas, including athletics.



NOTICE OF COORDINATOR & POLICY DISSIMINATION

BEST PRACTICE INCLUDES:

- Publishing in visible places, such as:
  - Institutional websites
  - Pamphlets
  - Student code of conduct manuals
  - Employee manuals
  - Materials shared by faculty to students
  - Collective bargaining agreements
- Performing checks to ensure information is accurate and up-to-date



TITLE IX POLICY COMPLIANCE

BEST PRACTICE INCLUDES:

- Conducting benchmarking and developing a checklist of Title IX policy requirements and any relevant state requirements.
- Forming a Title IX team to review the school's Title IX policy, and reviewing annually.



TITLE IX TRAINING

BEST PRACTICE INCLUDES:

- Posting training materials such as recordings or powerpoint slides on the Title IX website or making available to inspect.
- Training annually to remain current on Title IX trends and regulatory changes.
- Ensuring students and employees are aware of their rights and responsibilities under Title IX by creating engaging trainings.



TITLE IX RECORD-KEEPING

BEST PRACTICE INCLUDES:

- Developing a recordkeeping system and providing training on recordkeeping.
  - All emails related to a report or complaint
  - Handwritten and typed notes
  - Memos of phone calls
  - Investigation recordings or transcripts
  - Investigation report, including all evidence obtained
  - Written determination
  - Appeals documentation
  - Internal communications about the report or complaint
- Records must be kept for seven years.

RECENT ISSUES

1. 2026 SUPREME COURT DECISIONS ON TRANSGENDER ATHLETE PARTICIPATION
2. SEX RESTRICTED SCHOLARSHIPS



ADDITIONAL RESOURCES

- U.S. Department of Education
  - https://www.ed.gov/laws-and-policy/civil-rights-laws/title-ix-and-sex-discrimination/title-ix-coordinators
    - Rescinded

HELPFUL TIPS

ADVOCATE FOR THE TITLE IX COORDINATOR TO HAVE PROPER AUTHORITY, TRAINING, AND RESOURCES.

PUT TIME, ENERGY, AND RESOURCES INTO PREVENTION EDUCATION AND EFFORTS.

- Awareness, visibility, communication, and cultural understanding is all prevention.

REMEMBER THAT TITLE IX IS ABOUT PREVENTING, ADDRESSING, AND REMEDYING SEX DISCRIMINATION IN THE EDUCATIONAL ENVIRONMENT.

DEVELOP RELATIONSHIPS WITH CAMPUS AND COMMUNITY PARTNERS.

TITLE IX SOLUTIONS