



# Title IX Training: Requirements of the New Title IX Regulations (Part Two)

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A Webinar Presented by Sara Leon & Associates, LLC

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# **Part 2: For Title IX Coordinators, Investigators, Decision-Makers and Facilitators**



# Title IX Training for Coordinators, Decision-Makers, Investigators and Facilitators

**Let's review what we learned in Part I**

- ✓ Changes to the definition of sexual harassment.
- ✓ Scope of a school district's education program or activity.
- ✓ Actual knowledge of an allegation of sexual harassment, and
- ✓ District employees must report allegations to the Title IX Coordinator.

# Today's Training:

- ❑ Learn New Title IX requirements and procedures for public schools.
- ❑ Requirements include specific roles:
  - ✓ Title IX Coordinator
  - ✓ Informal Resolution Facilitator
  - ✓ Investigator (discussed more in Part III)
  - ✓ Decision-Maker (discussed more in Part III)

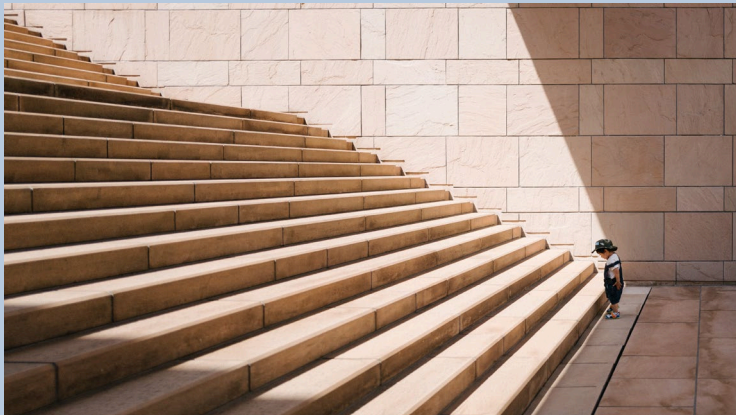


## What Will You Learn?

- More Title IX definitions.
- Required adoption and dissemination of new Title IX policy.
- Mandatory “supportive measures”.
- An overview of the Title IX grievance process and definitions.
- Responsibilities of the Coordinator, Informal Resolution Facilitator, Investigator, and Decision-Maker.

# Understanding the New Title IX Lingo

## Definitions Critical to the Response to a Report of Sexual Harassment



- ❑ We went through the definition of sexual harassment and how to report it.
- ❑ There are additional definitions under the regulations that are critical to understanding what happens when a complaint has been reported.

# “Complainant” and “Respondent”

A “**Complainant**” is an individual who is alleged to be the victim of sexual harassment.

A “**Respondent**” is an individual who has been reported to be perpetrator of sexual harassment.





# “Formal Complaint”

A “Formal Complaint” is:

- (i) filed by a complainant, or
- (iii) signed by the Title IX Coordinator . . .

alleging sexual harassment against a Respondent and requesting that the school investigate.

# Mandatory “Supportive Measures”

“Supportive measures” refer to:

- “non-disciplinary, non-punitive, individualized services offered to the Complainant or Respondent,
  - as appropriate,
  - as reasonably available, and
  - without fee or charge
  - before or after a complaint has been filed or where no formal complaint has been filed***.
  
- These measures are to restore or preserve equal access to the educational program or activity *without unreasonably burdening the other party.*

# “Actual Knowledge”

“Actual knowledge” means, in part, “notice of sexual harassment or allegations of sexual harassment to:

- a school district,
- a school district’s Title IX Coordinator or any official of the district who has authority to institute corrective measures on behalf of the district
- any employee of an elementary school .

34 CFR § 106.30(a)

- If any employee has knowledge of a sexual harassment or conduct that could constitute sexual harassment, the conduct must be reported to the Title IX Coordinator.

# Implementing the New Title IX Regulations: First Steps

## Title IX Coordinator



**The District must appoint “Title IX Coordinator”:**

- May be current Title IX coordinator.
- Can designate more than one coordinator but must ensure consistent application of policy.
- For smaller districts, need not be full-time position.

# Title IX Coordinator Requirements

## Districts must always have Title IX Coordinator.

- Must be referred to as “Title IX Coordinator” (even if they also have other roles or titles).
- If current coordinator leaves, is promoted, or retires, must name interim
  - ✓ Must also ensure interim coordinator receives training.
- If only one coordinator is named, advisable to have deputy coordinator to serve as backup (and could have other roles, as discussed later).

# Role of Title IX Coordinator

- ❑ The Coordinator may not serve as the final Decision-Maker (*i.e.*, the person(s) who determine whether a Respondent is responsible in a Title IX grievance).
- ❑ **Therefore**, the District may want to assign this role of Title IX Coordinator to someone other than the Superintendent or other person who may hear an appeal of the outcome of the matter.
  - If Principal is decider . . . Superintendent could hear appeal.
  - If Superintendent is decider . . . Board can hear appeal.
- ❑ Coordinator **can serve** as Informal Resolution Facilitator or Investigator, but not both.

# Role of the Title IX Coordinator (Cont'd)

## The Title IX Coordinator must:

- Respond promptly to allegations of sexual harassment.
- Inform Complainant that supportive measures are available (whether a formal complaint is filed or not).
- Inform Complainant of right to file a Formal Complaint.
- Explain to Complainant how a Formal Complaint is filed.
- Implement remedies after grievance process.

# The New Title IX Grievance Process

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# Implementing the New Title IX Regulations: First Steps

## Adopt a Grievance Policy and Disseminate

The new regulations require the District adopt a detailed grievance process allowing for the reporting and handling of **reports and Formal Complaints** of sexual harassment.

# Title IX Grievance Process: Overview

## Overview of Requirements

- ❑ This is the District investigative process and subsequent decision.
- ❑ Emphasis is on “fair, equitable, and without bias process.”
- ❑ The District has the burden of gathering the evidence.
- ❑ The Investigator cannot be the Decision-Maker.
- ❑ The regulations eliminate the “single investigator model” for the grievance process.
- ❑ Now, the same person cannot serve as the Investigator and Decision-Maker.

Instead, after an Investigator has conducted  
the investigation into the Complaint,  
**a different person must determine whether  
the allegations have been proven.**

That determination may be made by one person

OR

a panel of individuals.

**The Decision-Maker cannot be the same  
person  
as the  
Investigator or the Title IX Coordinator**

The new regulations require that **due process** be afforded to the

Respondent

AND

**include a presumption that Respondent is innocent until a**

**final determination is made at the conclusion of the**

**grievance process.**

# Grievance Procedures

These procedures must:

1. Require that the school provide **equal treatment to the Complainant and Respondent.**
2. Require that the **Decision-Maker** make an **objective evaluation of all relevant evidence.**

# Grievance Procedures (Cont'd)

**3.** Require that the Coordinator, Investigator, and Decision-Maker **not have a conflict of interest or bias in favor of one side or the other.**

And, importantly, the school must ensure that the interest of the school **does not interfere** with the impartiality of the investigation.

To ensure compliance with the above requirement will be for the District to ensure that the individuals listed above have the training specifically required of them in the new regulations.

## Grievance Procedures (Cont'd)

4. Designate and follow a reasonable, prompt deadline for major stages of the complaint process.
5. Describe whether the standard of evidence to be used by the Decision-Maker to determine whether sexual harassment or sexual violence has occurred is a “**preponderance of the evidence**” or “**clear and convincing**”.



## Grievance Procedures (Cont'd)

The term “**preponderance of the evidence**” means:  
more likely than not, the evidence supports the allegations of sexual misconduct.

## Grievance Procedures (Cont'd)

The term **“Clear and Convincing”** means:  
evidence that leaves you with a firm belief that it is  
highly probable that the factual contention of the  
claim is true.

## Grievance Procedures (Cont'd)

6. Include a description of the range of discipline, sanctions, and remedies that the school may implement if the allegations are confirmed
7. Include **the procedures and bases for appeals**
8. Not require, allow, rely upon, or otherwise use questions or evidence that constitute or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has voluntarily waived the privilege

## Grievance Procedures (Cont'd)

9. The grievance procedure must describe the types of supportive measures available to Complainants and Respondents
  - **Remember: These supportive measures must be available to both parties whether or not the grievance is filed**

## Grievance Procedures (Cont'd)

10. Both parties to a Formal Complaint must receive a written notice from the school informing them of the allegations **and** the school's grievance procedures.

The new regulations limit a school's Title IX obligations

**only** when alleged misconduct occurs within the

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school's

own program or activity.

**The required factors include** whether or not the conduct occurred in a location owned by the school, exercised oversight of the location, and whether or not the school sponsored, funded, or promoted the event where the conduct took place.

**Note: This could include cyberbullying.**

Elementary and secondary schools  
must have either a live hearing or  
allow parties to submit written  
questions.

34 CFR Part 106.45

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If the school elects to have parties submit written questions, **that party must receive written answers and can submit follow-up questions.**

Whether the school uses the  
live testimony format or the written  
question format, there must be in place  
what is referred to as “rape shield”  
protections.

In other words, **evidence** of Complainant's sexual behaviors or predispositions **must be excluded**

**UNLESS** the evidence is

(i) offered to prove consent or

(ii) to prove that someone other than Respondent

committed the alleged act.

In live testimony cases, all questioning  
must be done by the party's advisor.

**Thus, there can be no personal  
confrontation between the parties.**

# Disseminating the New Policy

The District must provide notice of the District's new grievance procedures, to all those entitled to notification of the Title IX Coordinator's contact information, including:

- How to report or file a complaint of sex discrimination;
- How to report or file a complaint of sexual harassment; and
- How the District will respond.



# Additional Notice Requirements

## Notice must include that:

1. The District “does not discriminate on the basis of sex in the education program or activity that it operates,” in accordance with Title IX;
2. The District’s non-discrimination policy includes admissions as well as employment; and
3. Inquiries about Title IX may be referred to either the Title IX Coordinator or to the Assistant Secretary of Education



# Posting Requirements



## Posting Requirements:

The District is required to post all the contact information required for the Title IX Coordinator and the policy information referenced above as follows:

- on its website,
- in any handbook that is made available to the persons entitled to a notification, and
- make public its new grievance procedures, e.g., FFH (Local) with regard to student discrimination issues

# Training Program

- ❑ Training for Title IX Coordinators, investigators, decision-makers, and anyone who facilitates an informal resolution process must:
  - ✓ Define sexual harassment.
  - ✓ Explain how to investigate and the grievance process.
  - ✓ Promote impartial investigations.
  - ✓ Not rely on sex stereotypes.





# Training Program (Cont'd)

- ❑ Materials used to train those in the above roles must be made publicly available on the school district's website
- ❑ If the district does not maintain a website, the district must make these materials available upon request by members of the public



# **Responding to Notice of Sexual Harassment and the Formal Complaint Process**



# Two-Part Mandatory Response

## PART ONE

Response after actual knowledge  
("Report")

## PART TWO

Response after "Formal Complaint"  
("Investigation")



# Review: Definition of Sexual Harassment

**Sexual harassment is expressly recognized as sex discrimination**

- ❑ As you just heard, starting August 14, 2020, sexual harassment is defined in regulation as any one of three categories of conduct:
  - quid pro quo
  - hostile environment
  - sexual violence

34 C.F.R. §106.30



## Mandatory Response to *Report of Sexual Harassment*

A School District with **actual knowledge** of sexual harassment:

- in **an education program or activity** of the District
- against a person in the United States
- must respond ***promptly*** in a manner ***that is not deliberately indifferent.***

34 C.F.R. 106.44

# Report of Sexual Harassment

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# Step One: Mandatory Supportive Measures

The Title IX Coordinator must offer supportive measures to a Complainant *before or after a Formal Complaint is filed*, or where no Formal Complaint is filed



The new regulations define supportive measures as:

- Non-disciplinary, non-punitive individualized services,
- Offered as appropriate, as reasonably available, and without fee or charge,
- Designed to restore or preserve equal access to the recipient's (the District's) education program or activity,
- Without unreasonably burdening the other party.

**Reminder: Respondent is presumed not responsible during the investigation and therefore measures cannot be disciplinary. Supportive measures may also be provided to Respondents.**

# Mandatory Supportive Measures (Cont'd)

**Supportive measures may include any of the following:**

- Counseling.
- Extensions of deadlines or other course-related adjustments.
- Modifications of class schedules.
- Campus escort services.
- Mutual restrictions on contact between the parties.
- Move student from classes (cannot be punitive).
- Increased security and monitoring of areas of campus.
- Safe room or safe spaces.





# Emergencies/Providing Interim Protection

- ❑ If assault or threat, call police and CPS.
- ❑ Don't send Complainant back if threat to personal safety.
  - Consider reassigning/moving Respondent.
  - **Consider placing Respondent on administrative leave.**
- ❑ Careful reassigning/moving Complainant.

**The regulations allow for administrative leave for employees**



# Emergency Removal

**Permitted where a district believes Respondent poses a threat, provided the district:**

- undertakes an individualized safety and risk analysis
- determines that an immediate threat to the **physical health or safety of any student or other individual arising from the allegations of sexual harassment, AND**
- provides Respondent with notice and opportunity to challenge decision.



# Emergency Removal (Cont'd)

**Generally, emergency removal is a high standard to meet.**

- Emergency removal does not affect student rights under IDEA, Section 504, or the ADA.
- Students identified under IDEA or 504 could be removed for up to 10 days without an ARD or 504 committee meeting.
- Also consider the district's threat assessment process under SB11.



## **Step 2: Title IX Coordinator Offers Complainant Opportunity to File a Formal Complaint**

## Step 2: Offer of Formal Complaint

**What is a Formal Complaint?**

**According to the regulations, a Formal Complaint:**

- alleges sexual harassment against a Respondent and **requests that the District investigate, AND**
- must be filed by a Complainant or signed by the Title IX Coordinator.

# Who May Sign a Formal Complaint?

- ❑ Parents or guardians may file a Complaint on behalf of a minor student.
- ❑ When Complainant declines or refuses to sign a Complaint:
  - in some instances, Title IX Coordinator may sign a formal complaint.
  - Required where not doing so would be “clearly unreasonable in light of the known circumstances”.
    - *e.g.*, you have multiple complaints against the same Respondent.
    - *e.g.*, the Complainant has withdrawn the complaint out of fear.



# Formal Complaint Requirements

- ❑ Complainant must be participating in or attempting to participate in District's education "program or activity".
- ❑ Complaint may be filed in person, by mail or by email, or "by any additional method designated" by the District.
- ❑ If a student (or parent) makes a verbal complaint, you can ask the student (or parent) to write out the Complaint.

# Title IX Grievance Process: Consolidation of Formal Complaints

**Where allegations involve the same set of facts or circumstances, the Title IX Coordinator may consolidate Formal Complaints:**

involving allegations of sexual harassment against more than one Respondent,

- OR -

by more than one Complainant against one or more Respondents, or by one party against the other party.





# Step 3: Notice of Allegations

## Notice of Allegations:

**If a Formal Complaint is Made,  
Coordinator Must Provide  
Sufficient Written Notice of  
the Allegations**

### The Title IX Coordinator must provide:

- Notice of the allegations potentially constituting sexual harassment;
- Including sufficient details (known at the time); and
- Allowing sufficient time to prepare a response before any initial interview.

### **Sufficient details** include:

- Identities of the parties involved in the incident, if known,
- The conduct allegedly constituting sexual harassment; and
- The date and location of the alleged incident, if known.

# Notice of Allegations (Cont'd)

## Other Required Elements

- ❑ State that the respondent is initially presumed “innocent”.
- ❑ Inform the parties that:
  - they may have an *advisor* (who may be but is not required to be an attorney),
  - they may inspect and review evidence.
  - The Code of Conduct prohibits knowingly making false statements during the grievance process.
  - If District decides to investigate allegations that are not in the initial written notice, it will provide notice of those new allegations to the parties.

# Sample Written Notice Regarding Sexual Harassment Allegations

**NOTICE OF SEXUAL HARASSMENT ALLEGATIONS**

**TO:** \_\_\_\_\_, RESPONDENT

\_\_\_\_\_  
\_\_\_\_\_

Pursuant to 34 CFR § 106.45(b)(2)(B) (relating to Title IX of the Education Amendments of 1972) and District policy FFH, please take notice a formal complaint of sexual harassment has been filed against you with the Title IX Coordinator for the school district.

**I. PARTIES AND ALLEGATIONS.** The parties, alleged conduct, and date and location of the incident, if known, are as follows:

**The allegations in the pending investigations are that:**

\_\_\_\_\_

**The parties involved in the allegations are:** \_\_\_\_\_

**The conduct allegedly constituting sexual harassment is:**

\_\_\_\_\_.

**And the alleged date and location of the incident(s) is:**

\_\_\_\_\_



# Sample Written Notice Regarding Sexual Harassment Allegations

**II. COMPLAINT PROCESS.** All formal complaints of sexual harassment are investigated as a matter of school district policy and federal regulation. The district formal complaint process and investigation procedure is described in detail in district FFH policy and the District's Student/Parent Handbook.

**Please take notice that the respondent to this complaint is presumed not responsible for the conduct. A determination regarding responsibility will not be made until the conclusion of this grievance process.**

**Please be advised that for purposes of this grievance process, both you and the complainant each may have an advisor of your choice, who may be, but is not required to be, an attorney.** Your advisor may accompany you to any meeting or proceeding, and you or your advisor may inspect, and review evidence collected in the investigation process.

If you decide to have an advisor, please notify the Title IX Coordinator of the name and contact information of the advisor.

Please also take notice that the school district's code of conduct \_\_\_\_\_ prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If the course of this investigation the district decides to investigate additional allegations about either the complainant or respondent that are not in this notice, the district will provide additional notice to the parties known of the new allegations to be investigated.

**TITLE IX COORDINATOR:**

\_\_\_\_\_ DATE: \_\_\_\_\_

Method/Date of Delivery to Respondent:

cc: Complainant



# First Amendment Protection

## Free Speech



Districts **may not restrict** the parties' ability to:

- Discuss the allegations under investigation.
- To gather and present relevant evidence.

# Advisors

## A Party's Right to Have an Advisor

- Parties may have advisor of their choosing present during any grievance proceeding, including interviews.
- Districts may not limit the advisor for Complainant or Respondent.
- Any Advisor restrictions must apply to both parties.

# When Dismissal Is Required

The District must dismiss a Formal Complaint if the conduct alleged:

- Would NOT constitute sexual harassment, even if proved.
- Did not occur in the District's education program or activity.
  - **Remember**: **education program or activity** = locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs
  - Texas Law may include cyberbullying that occurs off campus
- Or did not occur against a person in the United States.
  - **Note**: A Decision-Maker should dismiss the Complaint.

# Caveat About Dismissal

- ❑ ***Dismissal does not preclude or excuse the District from acting under another provision of its Code of Conduct, or other grievance policies.***
  
- ❑ **Permissive Dismissals:**
  - District may dismiss the Formal Complaint if at any time during the investigation or hearing:
    - ✓ Complainant notifies the Coordinator in writing that Complainant would like to withdraw the Complaint;
    - ✓ Respondent is no longer enrolled or employed by the District; or
    - ✓ Specific circumstances prevent the school from gathering evidence .



# Appeal from Dismissal

## Notice and Appeal

- ❑ When dismissing a Complaint (whether a required or permitted dismissal), the District must promptly send written notice (and reason(s) for dismissal) to the parties.
- ❑ A party may appeal dismissal of a Complaint.
- ❑ Bases for appeal of dismissal include:
  - Procedural irregularity
  - New evidence
  - Bias or conflict of interest
  - Any other bases offered by the District

# Step 4: The Investigation

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# Step 4: Responsibility to Investigate

- ❑ School must respond to any complaint so it can prove it is not “deliberately indifferent” to a report of sexual harassment.
- ❑ Ideal investigation:
  - Send Advanced Written Notices
  - Interview Witnesses.
  - Follow up.
  - Detailed notes by Investigator.
  - Review video footage, audio and other documents.
  - Prepare investigative report.
- ❑ **Part III of Training will cover How to Investigate**
- ❑ Coordinator may serve as the Investigator but there may be reasons to separate roles, if possible, to maintain impartiality in the investigation process.

# Step 5: Determination Made by Decision-Maker

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# Role of Decision-Maker: Overview

## Decision-Maker is responsible for:

- Managing parties' opportunity to ask questions as part of grievance process.
- Deciding the relevance of any questions asked.
- Reviewing the investigative report and making findings.
- Conducting live hearing. Hearings for K-12 are not required (only colleges).



# Role of Decision-Maker (Cont'd)

## Decision-Maker is also responsible for:

- Reaching findings of fact and conclusions based on investigative report and parties' questions.
- Determining whether Respondent is responsible.
- Producing a written determination.
- Part 3 will cover training for Decision-Makers.**

# Written Determination

The District must provide the written determination to the parties simultaneously.

The determination regarding responsibility becomes final:

- If an appeal is filed: “on the date that the recipient (the District) provides the parties with the written determination of the result of the appeal”.
- If an appeal is NOT filed: “on the date on which an appeal would no longer be considered timely”.

# Informal Resolution

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## **Informal Resolution Process**

This process must be voluntary

AND

it may be used by the school

**only if all parties agree to this process after a Formal**

**Complaints has been made.**

**Before** the parties agree to enter this process,  
they must be fully informed of all rights they have under the  
school's grievance policies,  
**AND**  
all parties must consent **in writing** to submit the matter  
to an informal process of resolution.

34 CFR Part 106.45

# Title IX Grievance Process: Informal Resolution

## District's written notice must disclose:

- ❑ the allegations,
- ❑ the requirements of the informal resolution process including:
  - the circumstances which preclude the parties from resuming a formal complaint arising from the same allegations,
  - That, prior to agreeing to a resolution, any party has the right to resume the grievance process, and
  - any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
  - the district must obtain the parties' voluntary, written consent to the informal resolution process; and
  - the district may not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

**Live Hearings  
Not Required for K-12**

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# Live Hearings

- ❑ **School Districts are not required under the new Title IX regulations to hold a live hearing.**
- ❑ **Should a District choose to provide a hearing, several procedural requirements will be required, and Decision-Maker will need to make certain judgments:**
  - Decision-Maker must permit each party's advisor to ask the other party and any witnesses all relevant questions.
  - Cross-examination at a hearing must be conducted by the party's advisor and never by a party personally.
  - At the request of either party, a district must provide for the parties to be located in separate rooms, with technology enabling Decision-Maker and parties to simultaneously see and hear the party or witness answering questions.

## **Higher education schools must have a live hearing**

Rape shield protections apply, as well as the prohibitions on certain evidence being introduced, **and** prohibition of personal confrontations as are applied in the elementary and secondary education setting

34 CFR Part 106.45

# Appeals

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# Appeals

## Appeals may be taken:

- ❑ In any of the following instances:
  - the dismissal of a Formal Complaint, or
  - a determination of responsibility
  
- ❑ On the following bases:
  - Procedural irregularity.
  - New evidence
  - A conflict of interest or bias
  - A district may offer appeal on additional bases at its discretion



# Appeals (Cont'd)

## **With all appeals, the District must:**

- “Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
- Ensure that the Decision-maker(s) for the appeal is not the same person that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator; and
- Ensure that the Decision-maker(s) for the appeal complies with training requirements and the absence of a conflict of interest or bias.

# Appeals

## In addition, the district must:

- Give both parties a reasonable opportunity to submit a written statement appealing the outcome of the grievance process;
- Issue a written decision describing the result of the appeal and the rationale for the result; and
- Provide the written appeal decision simultaneously to the parties.



# Record Keeping Requirements.

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# Recordkeeping Requirements

**The District must maintain for a period of seven years records of:**

- each sexual harassment investigation including:
  - any determination regarding responsibility,
  - any audio or audiovisual recording or transcript required under” the section on hearings (as required of colleges but not K-12);
  - any disciplinary sanctions imposed on Respondent, and
  - any remedies provided to the Complainant designed to restore or preserve equal access to the recipient’s education program or activity
  
- Any appeal and the result therefrom;
  
- Any informal resolution and the result therefrom; and
  
- All material used to train Title IX Coordinators, investigators, Decision-makers, and any person who facilitates an informal resolution process”.
  - The District must make these training materials publicly available on its website, or if it does not maintain a website.

# Retaliation Prohibited

- ❑ Districts may not retaliate against any party for complaining, assisting, participating, or refusing to participate in an investigation or grievance process.
- ❑ All parties, including the witnesses are protected.
- ❑ Notably, the regulations prohibits districts from charging students with code of conduct violations when the violation arises from the same facts underlying a complaint of sexual harassment. This is considered retaliation as it interferes with Respondent's Title IX rights.

34 C.F.R. § 106.71

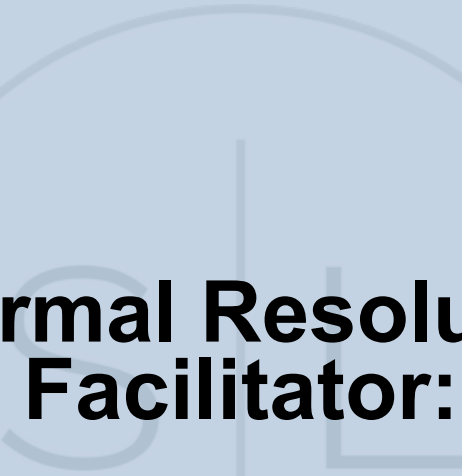
**Conclusion**

**What did you Learn?**

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# Title IX Coordinator: What Did You Learn?

- Responsibilities for coordinating district Title IX efforts.
- An understanding that the process ensures due process and promotes accountability.
- Requirements to provide supportive measures.
- An understanding of the Title IX grievance and investigative process.
- Other roles in which Title IX Coordinator may or may not serve.



# **Informal Resolution Facilitator: What Did You Learn?**

- Title IX grievance and investigative process.
- An understanding that the process ensures due process and promotes accountability.
- Availability of supportive measures.
- Requirements for informal resolution.
- Other roles the informal facilitator may or may not serve.



# Investigator: What Did You Learn?

- An understanding of the Title IX grievance process.
- An understanding that the process ensures due process and promotes accountability.
- Role of parties' advisors.
- Responsibility to investigate.
- Ideal investigation.
- Part 3 will cover how to investigate.**

# Decision-Maker: What Did You Learn?

- An understanding of the Title IX grievance process.
- An understanding that the process ensures due process and promotes accountability.
- An understanding of what is not relevant in a Title IX investigation.
- An understanding of the standard of proof to determine responsibility.
- Part 3 will cover how to evaluate evidence and determine credibility.**
- An understanding of the Title IX appeals process.

# The New Title IX Requirements

## Part 1: Response After a Report

**Report of  
Sexual  
Harassment**

**Supportive  
Measures Offered  
to Complainant**

**Offer Formal  
Complaint Under  
District's Grievance  
Policy**

**Either Complainant  
or Title IX  
Coordinator Signs  
Formal Complain**

**Possible Dismissal of  
Complaint  
-possible handling  
under another policy  
-dismissal subject to  
appeal**

# The Title IX Report to Grievance Process

## Part II Response After Formal Complaint

**Written Notice of Allegations**

**The District Must Investigate By Following A Grievance Process That Complies With the Title IX**

**Evidence Collected and Offered to Parties for Review**

**Completion of Investigation Report, with copies provided to parties**

**Decision-Making and Appeal**



# Questions?

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