

Title IX Requirements

July 2023

Introductions

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The background features a large blue circle on the right side, partially overlapping a stack of papers. The papers are in shades of blue, grey, and cream. A small orange square is located on the far left edge.

Disclaimer

- The information provided in this document is for informative purposes only and should not be used in place of legal advice for specific situations you encounter.
- These materials are summative only



Title IX

- 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.






Title IX-Definition Conduct on the Basis of Sex

1. A school employee conditions the provision of an aid, benefit, or service of the school on an individual's participation in unwelcome sexual conduct;





Title IX-Definition Conduct on the Basis of Sex

2. Unwelcome sexual conduct that a reasonable person would find to be so severe, pervasive, and objectively offensive that it “effectively denies a person equal access” to the school’s education program or activity; or

Title IX-Definition Conduct on the Basis of Sex

3. Sexual assault, dating violence, domestic violence, or stalking.

Obligations to Educational Community

- Provide
 - Title IX Coordinator's contact information
 - name or title, office address
 - e-mail address, and
 - telephone number



Obligations to Educational Community

Notice	Students
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How to	
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Report:	
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Employees

Applicants for admission & employment

Parents/legal guardians

Unions

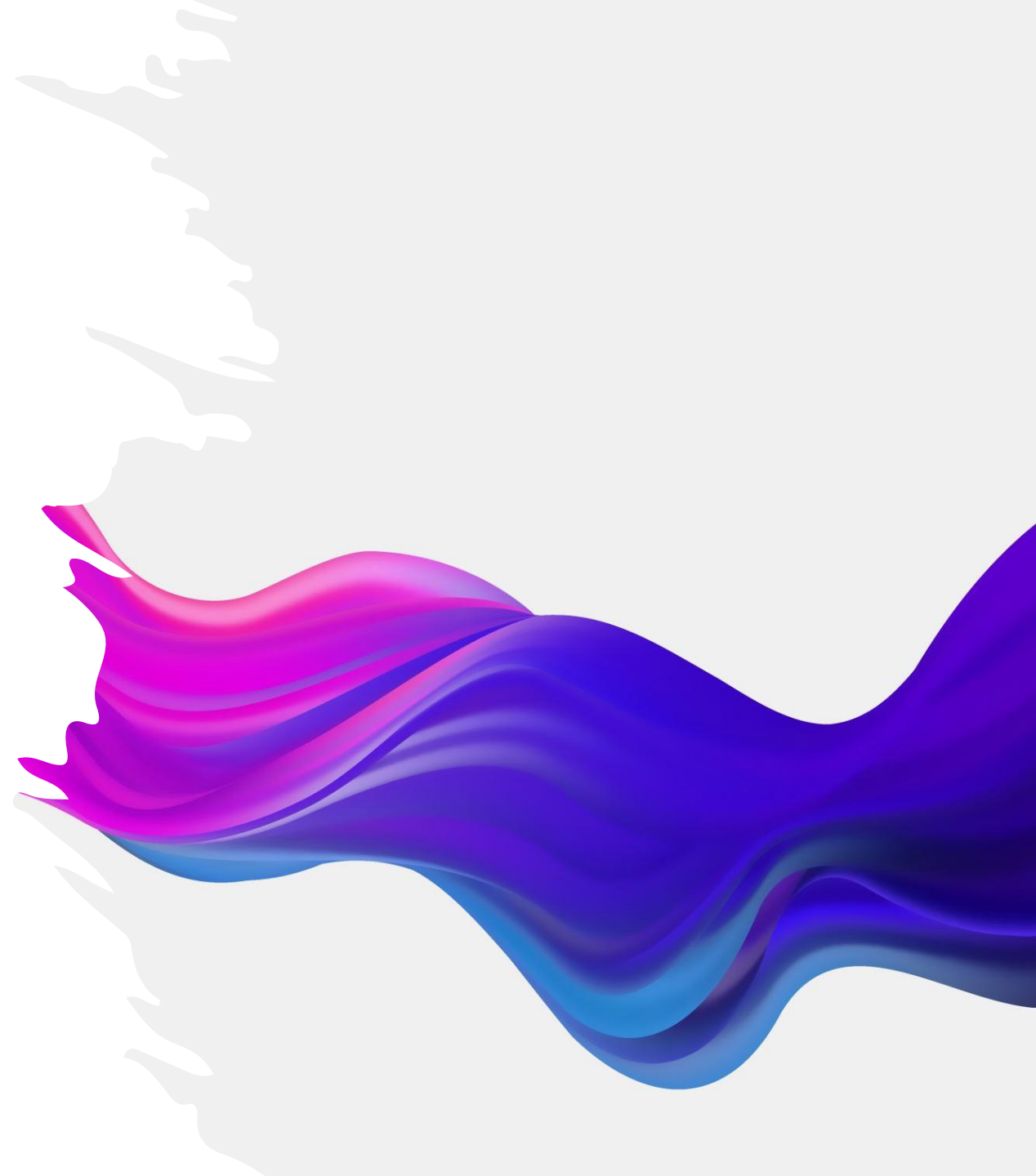
An abstract graphic in the top-left corner consisting of overlapping triangles in various shades of orange and brown, creating a low-poly, crystalline effect.

Obligations to Educational Community

- Website Information
- **Prominently** display the required contact information for the Title IX Coordinator.

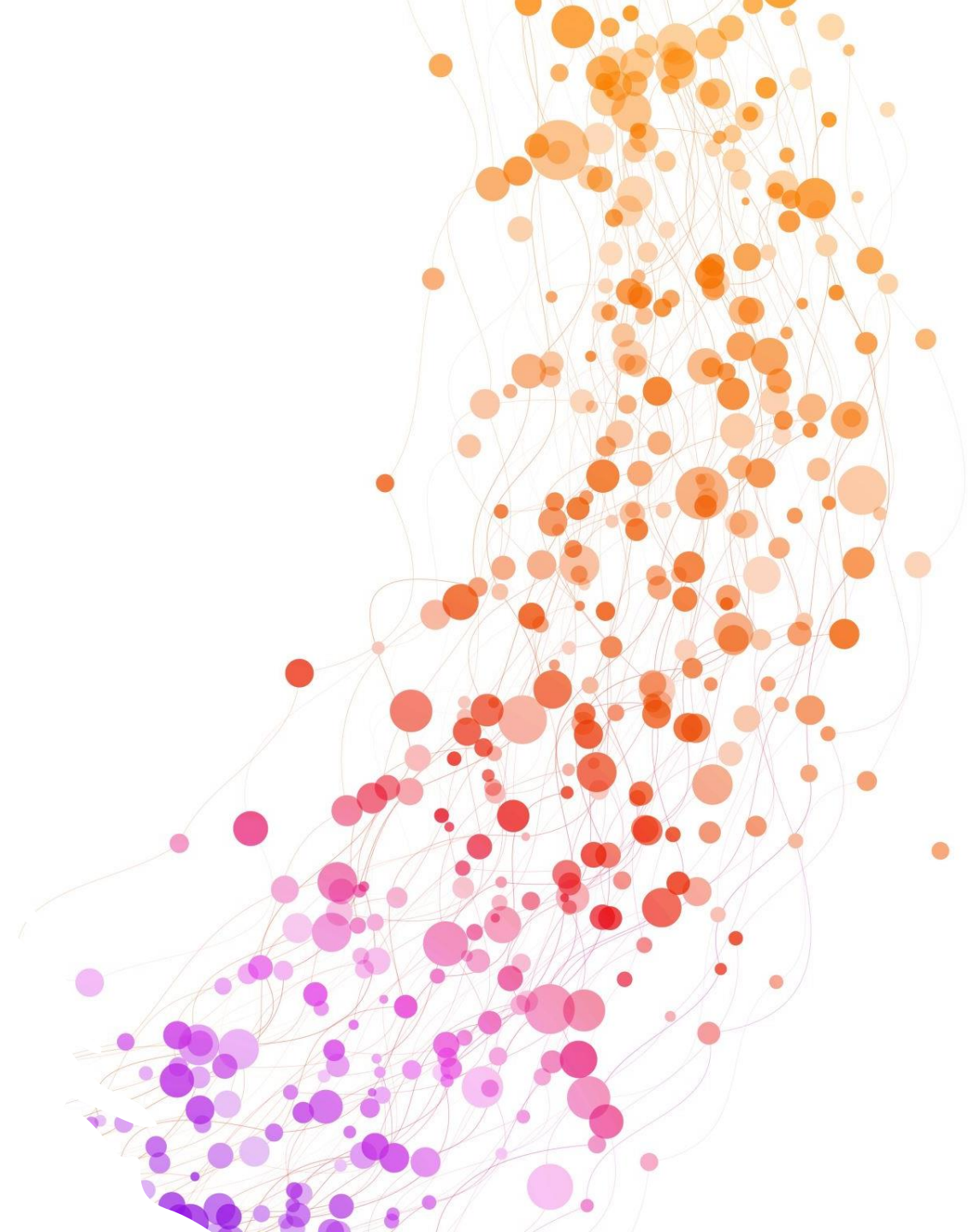
Obligations to Educational Community

- Website Information
 - 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)



Obligations to Educational Community

- Website Information
 - Reports may be made in-person, by mail, by telephone, or by e-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.





Obligations to Educational Community

Website Information

- Training materials





Title IX Trained Positions

- Coordinator-employee
- Investigator
- Decision-maker
- Decision-maker for appeal
- Informal Resolution facilitator





Application

- Student to Student
- Employee to Student
- Student to Employee
- Employee to Employee



Actual Knowledge

- Must respond when in the school's education program or activity on or off-campus, against a person in the United States.

Actual Knowledge

- K-12 schools must respond whenever any employee has notice of sexual harassment, including allegations of sexual harassment.
- State laws also require all K-12 employees to be mandated reporters of child abuse.

Actual Knowledge

- For all schools, notice *of an allegation* to a Title IX Coordinator, or to an official with authority to institute collective measures on the recipient's behalf, charges a school with actual knowledge and triggers the school's response obligations.

Deliberate Indifference Standard

Response

- Prompt
- Clearly not unreasonable in light of the known circumstances



Deliberate Indifference Standard

Response

- Contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and

Deliberate Indifference Standard

Response

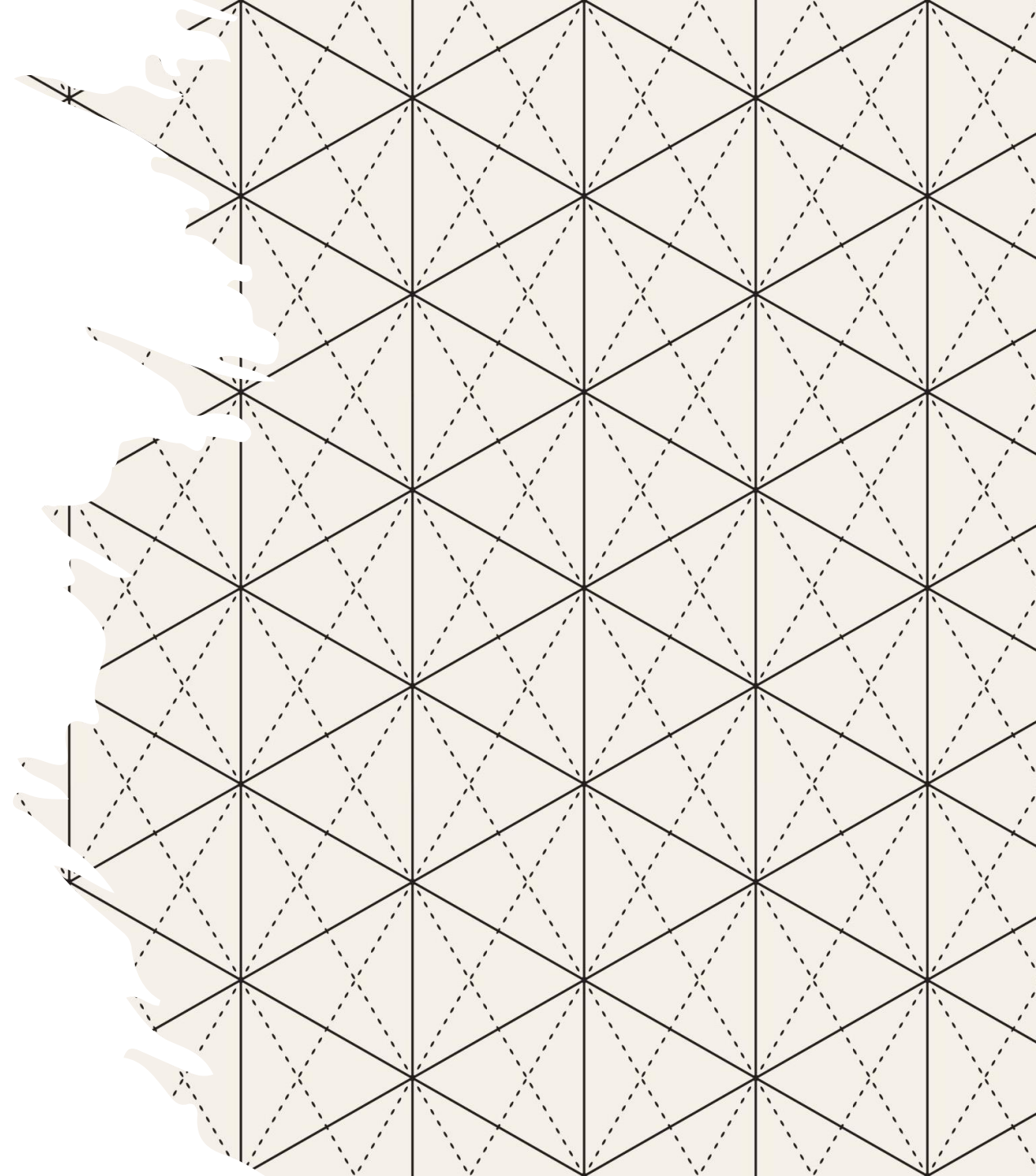
- Explain to the complainant the process for filing a formal complaint.



Deliberate Indifference Standard

Response

- Follow a grievance process that complies with Title IX process and procedures before the imposition of any disciplinary sanctions or other actions that are not supportive measures, against a respondent.



Deliberate Indifference Standard

Response

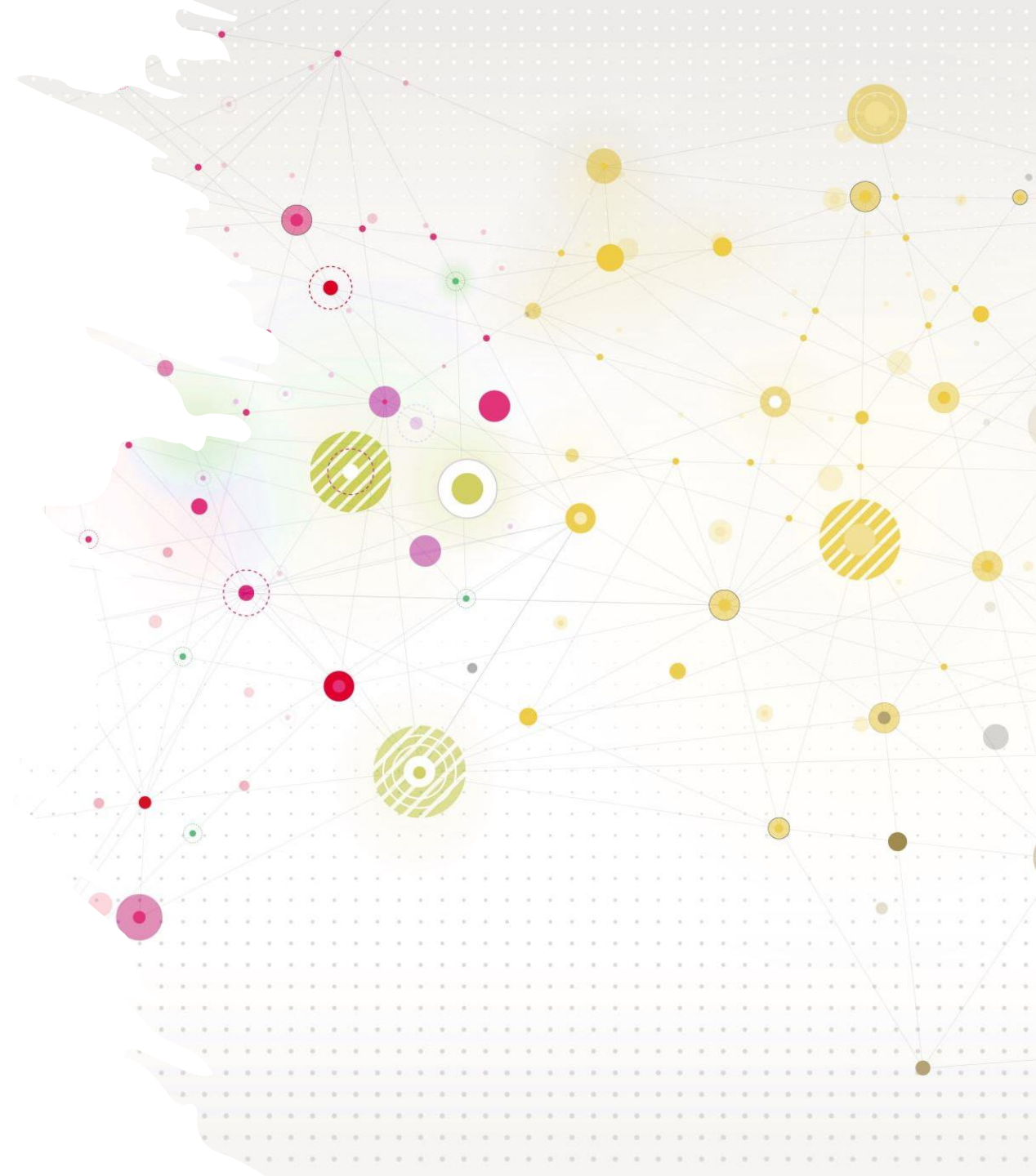
- Must not restrict rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment, when complying with Title IX.



Deliberate Indifference Standard

Response

- Must investigate sexual harassment allegations, which if true as alleged would rise to level of sexual discrimination, in any formal complaint, which can be filed by a complainant, or signed by a Title IX Coordinator.



Deliberate Indifference Standard

Response

- A complainant's wishes with respect to whether the school investigates should be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.

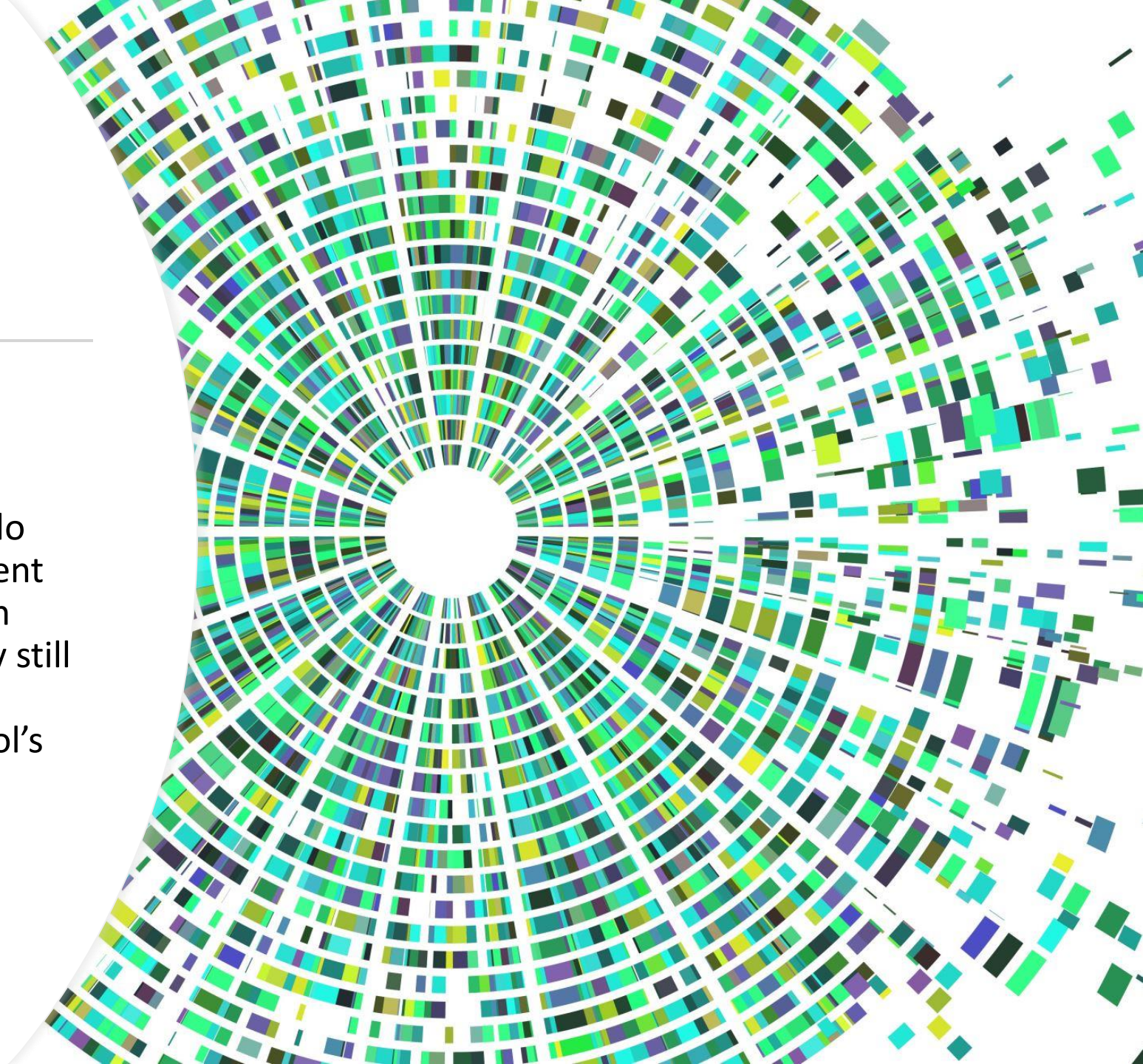


Retaliation

- If complainant elects not to move forward with a Formal Title IX Complaint, the alleged Respondent **MUST NOT** be disciplined without the Coordinator opening a Title IX investigation on the complainant's behalf.
- Respondent must not be disciplined prior to completion of Title IX grievance process.

Deliberate Indifference Standard

- Response
- If the allegations in a formal complaint do not meet the definition of sexual harassment under Title IX the school must dismiss such allegations for purposes of Title IX but may still address the allegations in any manner the school deems appropriate under the school's own code of conduct.



Process and Timelines

- Formal Complaint
- Supportive measures
- Legal agencies notified



Process and Timelines

- Notice both parties
 - Complaint
 - Investigator
 - Decision-maker
 - Basic rights during the process
 - Applicable policies





Process and Timelines

Investigation

- Notice of Interview-Complaint and Respondent
- Non-disclosure agreement
- Evidence sharing
- 10 days for written responses
- 10 days submission of written questions
- Investigative report



Process and Timelines

Decision

- 10 days for parties to submit responses and questions to the Investigative Report
- Determine findings
- Determine sanctions
- Determination letter, include appeal rights

Record Retention

- 7 years



A Timing Update on Title IX Rulemaking

- The Title IX proposed regulations that the Department released in July 2022 are historic. They would strengthen protections for students who experience sexual harassment and assault at school, and they would help protect LGBTQI+ students from discrimination. The Department received more than 240,000 public comments on the proposed rule – nearly twice as many comments as the Department received during its last rulemaking on Title IX.
- Anticipated date of October 2023 for the final Title IX rule.
- Anticipated date of October 2023 for its proposed Athletics regulation, which received over 150,000 comments during its recent public comment period from April 12 – May 15, 2023.



Questions