



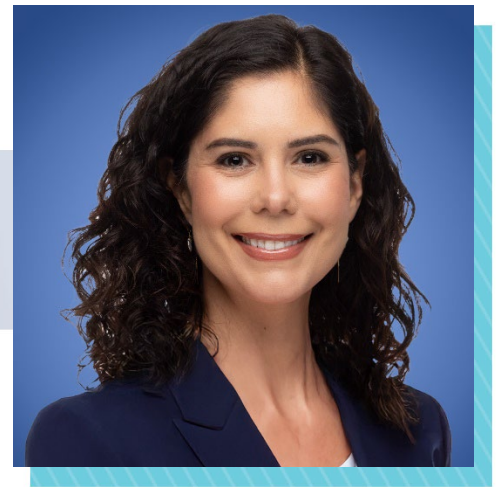
Title IX Basics and Foundations

Presented by:
Monica Batanero & Sarah E. Fama

Title IX Training Series
August 12, 2026

Monica D. Batanero

Partner



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Overview

Monica D. Batanero is a Partner in Lozano Smith's Los Angeles office and co-chair of the firm's Title IX Practice Area. Ms. Batanero advises educational institutions on student, special education and personnel issues.

Experience

Ms. Batanero is co-chair of the firm's Title IX Practice Area and specializes in Title IX compliance, as well as conducting complex investigations into claims of sexual misconduct and harassment (including Title IX), discrimination, bullying, retaliation, and other issues that may arise in an educational setting.

Ms. Batanero provides legal counsel to community college districts and K-12 school districts on day-to-day issues involving Title IX compliance, sexual harassment, discrimination/harassment, Section 504, IDEA, governance, Public Records Act, and student discipline. She regularly conducts workplace and school investigations involving alleged misconduct in violation of board policy and/or law, including Title IX, sexual harassment, professional standards, and code of student conduct.

Ms. Batanero has represented school districts in all phases of special education matters, including Individualized Education Plan meetings, resolution meetings, mediations, and due process hearings conducted by the Office of Administrative Hearings.

She also frequently develops and provides trainings to clients on Title IX, Section 504, IDEA, workplace and school investigations, sexual harassment prevention, student discipline, and first amendment issues.

Education

Ms. Batanero earned her Juris Doctor from the University of San Francisco, School of Law. She earned both an M.S. and B.S. in Gerontology from the University of Southern California.

Practices

Student
Special Education
Labor and Employment
Investigations

Title IX
Governance

Education

J.D., University of San Francisco, School of Law
M.S., University of Southern California
B.S., University of Southern California

Admissions

California

Sarah E. Fama

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Overview

Sarah E. Fama is a Partner in Lozano Smith's Walnut Creek office and co-chair of the firm's Title IX Practice Area. She represents public agencies through various aspects of employment and general liability issues.

Experience

Ms. Fama represents public employers at California Superior Court, California Labor Commission, California Unemployment Insurance Appeals Board, California Workers' Compensation Appeals Board, Department of Fair Employment and Housing, and Equal Employment Opportunity Commission. She regularly defends employers against claims of harassment, discrimination, wrongful termination, and wage and hour violations. Clients seek her out to provide guidance, education and training to employers regarding employment law compliance, in areas of harassment, discrimination, separation, accommodation, and wage and hour compliance.

She is routinely involved in investigations, either by guiding employers through the investigation process or by acting as an investigator herself. She also advises employers and provides training on various topics including investigations, Title IX, sexual harassment, Uniform Complaint Procedure, retaliation, discrimination and other complaints that may arise in an education setting.

Education

Ms. Fama received her Juris Doctor degree from the University of the Pacific, McGeorge School of Law, where she was named to the Dean's Honor List. Her J.D. concentration was focused on International Legal Studies. She earned her Bachelor of Arts in Sociology from the University of Alberta.

Practices

Labor & Employment
Litigation
Title IX
Investigations

Education

J.D., University of the Pacific,
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B.A., University of Alberta

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- > Charter Schools
- > Community Colleges
- > Construction Advice and Litigation
- > Facilities & Business
- > Governance
- > Investigations
- > Labor & Employment
- > Litigation
- > Municipal
- > Public Finance
- > Special Education
- > Student
- > Title IX

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- > Fresno
- > San Diego
- > San Luis Obispo
- > Walnut Creek
- > Los Angeles
- > Monterey
- > Bakersfield

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- > Art Scholarships
- > Backpack Giveaways
- > Bullying Prevention Awards
- > Campus Beautifications
- > Distribution of Care Kits
- > Leadership Academies
- > Mentoring Program Awards
- > Music Scholarships

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2

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Ms. Batanero also represents school districts in a variety of special education matters, including at IEP meetings, mediations, and due process hearings. She also advises clients on student matters including student discipline, expulsion hearings, free speech, and Uniform Complaint Procedures.

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Ms. Fama is a co-chair of the firm's Title IX practice group and routinely advises client on Title IX and all types of investigations. She also regularly conducts investigations and provides extensive trainings on Title IX, investigations, employment and other matters.

Content Advisory

- Please note that some of the topics and content of this presentation is explicit and may be triggering for some individuals.
- Viewer discretion is advised. If at any time you need to step away, please feel free to do so.
- Thank you for your understanding and participation in this important conversation.



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Hypothetical

Josh, a high school senior, is best friends with Dante and has known Dante's sister Beth, a freshman, since she was little. Josh saw Beth at a party after a football game and threw his arm over her shoulder to give her a hug and his hand landed on her breast where he kept it. This has never happened before.

- Is this Title IX?



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Title IX and the 2020 Regulations

The Plain Language

“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.”



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20 U.S.C. § 1681 et seq.

7

What Does Title IX Cover



1. Education Programs or Activities
2. Sports
3. Employment
4. Equal Access to Facilities
5. Admissions and Recruitment
6. **Sexual Harassment***
 - (34 C.F.R. Part 106)
 - *New regulations that have the full force and effect of law



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2020 vs. 2024 Title IX Regulations

- 2024 Title IX Regulations
 - Went into affect on August 1, 2024
 - Vacated January 9, 2025 (*Tennessee v. Cardona*)
- 2020 Title IX Regulations are the effective Regulations.



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A Brief History of Title IX Regulations



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Sexual Misconduct in Schools

Why Title IX is Important - Potential Impact of Sexual Misconduct on Students and Employees

Shame, Humiliation, Stress, Anxiety, Depression, Loss of Sleep

Impaired Learning/Poor Work Performance

Absenteeism/Turnover

Culture of Discrimination

Civil Liability (Monetary Damages, Attorney Fees)

Negative Media Attention and Public Outcry

OCR Resolution Agreement

Loss of Federal Funds



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Title IX Regulations Highlights

Requirements Specific to the 2020 Regulations:



1. The definition of "sexual harassment."
2. "Actual knowledge" for notice.
3. Procedural requirements for due process:
 - a. Roles; and
 - b. Procedure.
4. "Deliberate indifference" standard.



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Title IX Regulations Highlights

Title IX Coordinator

Notice to Parties of
Initiation, Outcome
and Appeal Rights

Identify and
Promptly
Investigate

Prevent Recurrence

Clear Policies

Remedy Effects



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Title IX Definitions

Actual Knowledge

- (K-12) When **any employee** has notice of sexual harassment or allegations of sexual harassment.
- (Higher Ed) When the Title IX Coordinator or any official who has the authority to institute corrective measures has notice of sexual harassment or allegations of sexual harassment.

Formal Complaint

- A document filed by a **complainant** or signed by the **Title IX Coordinator** alleging sexual harassment against a respondent and requesting that the recipient (District) investigate the allegation.

Complainant

- An individual who is alleged to be the **victim of the conduct** that could constitute sexual harassment.

Respondent

- An individual who has been reported to be the **perpetrator of conduct** that could constitute sexual harassment.



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"On the Basis of Sex" - Capacity

Age

- What if Respondent is really young?

Disability

- What if the Respondent has a disability?

Reasonable Person Standard



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Actual Knowledge and Deliberate Indifference

Actual Knowledge

"Deliberate indifference" standard: A recipient with **actual knowledge of sexual harassment in an education program or activity of the recipient against a person in the United States**, must respond promptly in a manner that is not deliberately indifferent. A recipient is **deliberately indifferent** only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.



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Title IX Definitions: Sexual Harassment

Sexual Harassment is conduct on the basis of sex that satisfies one or more of the following:

An **employee** conditioning the provision of an aid, benefit, or service of the District on the complainant's participation in unwelcome sexual conduct;

"Quid pro quo"

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

"Hostile Environment"

"**Sexual assault**" [20 U.S.C. 1092(f)(6)(A)(v)], "**dating violence**" [34 U.S.C. 12291(a)(10)], "**domestic violence**" [34 U.S.C. 12291(a)(8)], or "**stalking**" [34 U.S.C. 12291(a)(30)].

"Specific Offenses"

18



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Sexual Assault

Rape

- Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, or by a sex-related object without their consent.
- No consent includes incapacity.
- Physical resistance is not required.

NEW
DEFINITION



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Sexual Assault

Criminal Sexual Contact (replaced forcible fondling)

- The intentional touching of clothed or unclothed body part,
- Without consent,
- For purpose of:
 - Sexual gratification,
 - Sexual humiliation, or
 - Sexual degradation.

NEW
DEFINITION



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Title IX Definitions – Specific Offenses

Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.



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Title IX Definitions – Specific Offenses

Domestic Violence

Felony or misdemeanor crimes of violence committed by a qualified person.

Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

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



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Hypothetical

Paige, a 7th grade student, comes to your office and informs you that one of her classmates, Asher, has been making “gross” comments to girls around school for a couple of weeks. She shows you Asher’s Instagram, which is mostly pictures of guns, scantily clad women, and misogynistic language. Paige says she and her friends are very uncomfortable around Asher, and do not want to be near him.

- Is this Title IX?
- Do you investigate?



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Title IX Jurisdiction

In the United States;

The District exercised **substantial control** over both:

- 1) the **Respondent** and
- 2) the **context** in which the sexual harassment occurs; and

The **Complainant** was **Participating/attempting to participate** at the time the complaint is filed.



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Hypothetical

Marie met her long-distance boyfriend over the summer. Marie's classmate, Parker, found videos of Marie's boyfriend discussing details about his intimate encounters with Marie. Parker is telling everyone in class about the videos. Marie reports Parker's behavior.

- Do we have Title IX Jurisdiction?



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The Roles and Responsibilities of District Administrators and Employees

What are the Roles?



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Title IX Coordinator's Duties

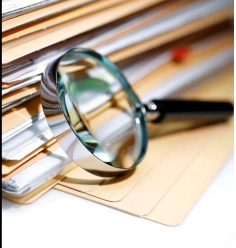
- Receives and oversees
- Explains options and process to complainant*
- Offers supportive measures *
- Determines dismissal of complaints
- Evaluates corrective actions*
- Identifies systemic issues
- Ensures overall Title IX compliance



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Investigator's Duties



- Interview
- Gather evidence
- Parties to review evidence
- Consider responses
- Prepare investigation report



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Decision-Maker's Duties (K-12)

- Reviews investigation report
- Facilitates exchange of questions
- Asks relevant questions
 - Explains if questions are irrelevant
- Makes determination about responsibility
- Prepares written determination

Cannot be the Title IX Coordinator or Investigator



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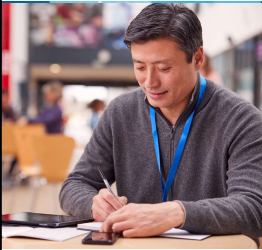
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Decision-Maker's Duties (Higher Education)

- Reviews investigation report
- Conducts hearing
- Reviews questions for relevancy
 - Explains if irrelevant
- Makes determination about responsibility
- Prepares written determination

Cannot be the Title IX
Coordinator or Investigator

Decision-Maker / Hearing Officer (Higher Education)



- Decision-Maker may act as hearing officer.
- May have distinct hearing officer.

Informal Resolution Officer's Duties

- Facilitates the informal resolution process.
- Verifies a complaint meets the criteria.
- Verifies voluntary, written consent.
- Ensures the parties know their rights.

May be the Title IX
Coordinator

Cannot be the
Investigator

Responsibilities of the Appeals Officer

- Evaluates any appeal
- Makes a decision on the appeal
- Issues a written decision

**Cannot be the Title IX Coordinator,
investigator, or decision-maker**



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Hypothetical

You receive an anonymous email with a video of Ms. Juliette (English teacher) thrusting her pelvis against a student who is backed up against the wall. The student has their hands covering their face. You can hear Ms. Juliette say, "Take her maidenhood." The caption on the video reads, "Ms. Juliette is at it again...."

- Is this Title IX?
- What is your first step?



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Responsibilities of All Employees (K-12)



Identify and Report

**This does not relieve an
employee of their mandated
reporter duties!**



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Responsibilities of Officials with Authority (Higher Ed.)



Identify and Report



Still have mandated reporter duties, IF the conduct involves a minor!



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The Clery Act & Violence Against Woman Act (Higher Ed Only)

- If the conduct involves persons is OVER the age of 18, then it is the Complainant's right to choose whether to report to police.
- The Title IX Coordinator, or person doing a Title IX Intake, has the responsibility of informing the Complainant that they have the option to involve police.
- The Title IX Coordinator, or Office, **CANNOT** contact the Respondent without the Complainant's consent, UNLESS certain criteria are met.



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"Red Flag" Conduct of Potential Sexual Harassment

Flirtations or Propositions

Derogatory Comments

Sexual Jokes or Gestures

Spreading Sexual Rumors

Massaging, Grabbing, or Touching

Comments on a Person's Body

Sexual Acts Without Consent or Based on Coercion

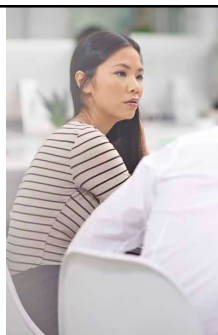
Non-Consensual "Sexting"

Sexploitation



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Hypothetical

Fred and Sam ride the bus every afternoon together. Both students have a disability. After a report from another student, the Transportation Department reviews video footage from bus and sees that Fred has been touching Sam's penis everyday for a week. Sam is nonverbal and in a wheelchair.

- Is this Title IX?



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Title IX Complaint Procedures

What Happens When We Get a Report

- Actual Knowledge: TIX Coordinator
- Actual Knowledge: Official with Authority
- Responsible Employee Considerations

Notice

Intake

- Jurisdiction & Scope
- Supportive Measures & Documentation
- Option to File a Formal Complaint

- Document Signed by Complainant
- Document Signed by TIX Coordinator

Formal Complaint



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Retaliation Prohibitions

- Retaliation is prohibited.
- Retaliation complaints under the same process.
- Confidential, unless required by law.
- First Amendment rights.
- Cannot make false statement in bad faith.

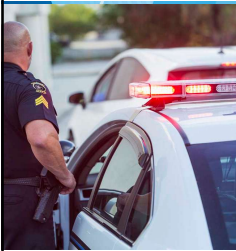


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Receiving a Title IX Report

Contacting Law Enforcement



- Was a crime potentially committed?
- Title IX **does not** relieve employees of their mandated reporting obligations **for minors**.



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Criminal Investigation

A police investigation does **not** relieve a district of its obligations under Title IX or state laws.

Gathering evidence:

- A brief delay is permissible, but it is not good cause to delay sending the written notice of the investigation.
- Criminal reports may be useful for fact gathering.
- Coordinate with local law enforcement.



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Cephus v. Blank (2025)

- Districts have “**obligations imposed by Title IX itself to investigate and resolve such allegations promptly.**” (*Cephus v. Blank* (2025)).
- In *Cephus v. Blank*, the respondent in a sexual assault matter asked for the investigation to be delayed until after the criminal charges against him had been resolved, however, the school continued with its Title IX investigation because of their “duty to promptly resolve the matter.” The court held that a school may proceed with a Title IX investigation despite ongoing concurrent criminal proceedings.



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Hypothetical

On Friday afternoon, you get an email from Jo’s parent that they were sexually assaulted at the High School baseball game on Thursday night. Jo is a freshman did not come to school on Friday. That same afternoon, the police department calls you to tell you they received the same report, and they do not want you to talk to Jo or the Respondent (a District student) until they can do a forensic exam. They expect to do the forensic exam next Thursday.

- Is this Title IX?
- What do you do?



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Receiving Reports (In General)

WHERE REPORTS COME FROM

Student

Parent

Employee

Member of Public

Anonymous Person

FORM OF REPORTS

Verbal

Written

No Complaint
(Rumor or Observation)



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Receiving a Report



- Notify the Title IX Coordinator;
- Assess whether a CPS report should be filed (continue to reassess); and
- The Title IX Coordinator should promptly schedule an Intake meeting with the Complainant.



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Hypothetical

It is the second week of school. Felicia comes to you and tells you that Connor has been rubbing her back, making “inappropriate” comments, giving her “sexual” looks and generally making her uncomfortable. She says she does not want you to do anything but asked if she can switch classes so they are not together.

- Is this Title IX?
- Can you do nothing?



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What if the Complainant Says, “Do Nothing”?

The Title IX Coordinator must inform them of their options.

- This includes supportive measures **without** filing a formal complaint.

The Title IX Coordinator can sign a formal complaint on the complainant's behalf:

- Assess the conduct!
- If NOT filing a formal complaint would be deliberately indifferent, the Title IX Coordinator has the discretion to sign a formal complaint on the complainant's behalf.



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Hypothetical

Violet comes to your office to tell you that a group of girls have dragged her into the bathroom stall, locked the door, then groped and “humped” her. She says the group has done it to at least two of her friends, and to her before. She says the girls are popular and she does not want them to know she told on them so asks you not to do anything or say anything, but instead just wants to know if she can use the bathroom in the office.

- Is this Title IX?
- What do you do?



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Urgent Considerations



- Is there a threat of imminent harm to others?
- Was a crime potentially committed?
- Have mandated reporting obligations been triggered?



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Contact the Complainant

Intake Meeting with Complainant

- Gather facts (think about scope & notice);
- Supportive measures;
- Explain Title IX options; and
- Discuss the District's policy that prohibits retaliation.



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Supportive Measures

Designed to restore or preserve equal access to the educational program.

Cannot be disciplinary/punitive.

Cannot be retaliatory.

Offered to Complainant and Respondent.*

Determined on a case-by-case basis.



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Supportive Measures

Examples:

- Counseling
- Medical services
- Academic support
- No-contact orders
- Increased security
- Changed schedules
- Independent study (voluntary)

Document the implemented supportive measures, but don't stop there!



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Document your Intake Meeting

Dear [Name],

Thank you for sharing your experience with me. We covered a lot during our meeting, so I wanted you [and Parent] to have an email, as a reference. During our meeting you shared [brief description of reported conduct]. I want to make sure we minimize the impact of this experience on your time here at school. To do that we offered the following Supportive Measures: [List]. You decided that you want us to [list Supportive Measures agreed on].

I spoke to you about the different types of investigations, including Title IX, and asked if you wanted to file a Formal Title IX Complaint. You said that you are unsure but will get in touch when you make a decision. Please let me know how you would like to proceed, or if you have more questions about the investigation processes.

Warmly,



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Pause Before Discipline

The Title IX framework requires that the formal grievance procedure be concluded before any disciplinary measures are implemented.



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Do You Have a “Formal” Title IX Complaint?

Document filed by
Complainant

OR

Signed by Title IX
Coordinator



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Does it Meet the Tests?

Definition of
Title IX Sexual
Harassment

AND

Title IX Jurisdiction



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Test 1: If the Alleged Conduct is True, Does It Rise to the Level of Sexual Harassment Under Title IX?

Employee Quid Pro Quo;

SPOO (severe, pervasive **and** objectively offensive); OR

Sexual assault, dating violence, domestic violence
or stalking.

*If the answer is
no, you must
dismiss the
complaint or
allegations
therein. If yes,
move to Test 2.



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Test 2: Is there Title IX Jurisdiction Over the Conduct?

Substantial control over both

- Respondent; and
- Context.

Within the United States.

Participating/attempting to participate at the time the
complaint is filed.

*If the answer is
no, you must
dismiss the
complaint or
allegations
therein.



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Emergency Removals (Students)

Title IX Regulations require that the full Title IX grievance procedure be completed prior to discipline being imposed.

EXCEPTION: Emergency Removal

- Respondent must be an **immediate threat** to the physical health or safety of any student or individual;
- The immediate threat must arise from the allegations of sexual harassment; and
- Respondent is provided with notice and an opportunity to challenge the decision immediately after removal.



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Hypothetical

You receive an email from a parent that their student John, is not coming to school on Monday because of an incident that occurred during a volleyball tournament over the weekend. At the tournament, Hudson cornered John after the game, tried to remove John's pants and grabbed John's genitals over his pants. John got away before anything else happened. Hudson texted John multiple times the next day saying he is looking forward to Monday and PE class, saying he will finish what they started.

- Is this Title IX?
- Is this appropriate for Emergency Removal?



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Administrative Leave

Placing an
Employee on
Administrative
Leave is NOT
Disciplinary



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Mandatory Dismissals

- Only required if Complainant files a **Formal Title IX Complaint**.
- Not required for a Report.
- Does not meet definition;
- Did not occur in District education program or activity; or
- Did not occur in the United States.

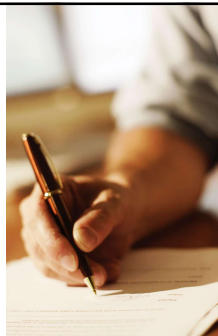


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Discretionary Dismissals

- Request in writing to withdraw;
- Respondent is no longer enrolled or employed; or
- Inability to gather sufficient evidence.



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Dismissals (Mandatory and Discretionary)

The decision to dismiss a complaint should be made by the Title IX Coordinator.

Notice of dismissal must be issued contemporaneously to both parties in writing.

Parties must be informed of their right to appeal the dismissal on the basis of:

- Procedural irregularity;
- New evidence that was not reasonably available earlier; or
- Involved personnel had a conflict of interest or bias.



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Even if you determine Title IX is NOT triggered or the complaint should be dismissed, do NOT stop there!

Consider whether the alleged conduct may otherwise violate District policy or employee/student conduct standards.




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Policies and Procedures for Investigating Title IX Complaints (K-12 Model policies)

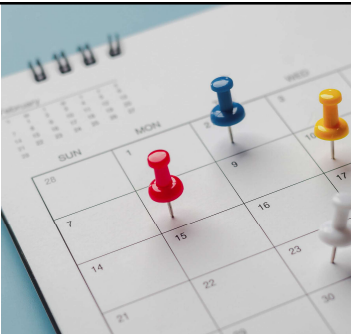
- BP/AR 1312.3 – Uniform Complaint Procedures
- BP/AR 4030 – Nondiscrimination in Employment
- BP/AR 4119.11 – Sexual Harassment (Employee)
- AR 4119.12 – Title IX Sexual Harassment Complaint Procedures (Employee)
- BP/AR 5145.7 – Sexual Harassment (Students)
- AR 5145.71 – Title IX Sexual Harassment Complaint Procedures (Student)


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Investigation Timelines

- Title IX - “reasonably prompt time frame.”
- District policies.




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Notice of Investigation

Send the parties
notice of the
allegations



Formal Grievance Procedure (K-12)

- Investigator gathers evidence and interviews parties/witnesses
- Investigator shares evidence with the parties in a written report
- Parties have 10 days to respond to the evidence
- Investigator conducts any necessary follow up
- Investigator prepares Investigation Report
- Investigation Report is sent to the parties
- Parties have 10 days to respond to the Investigation Report and/or submit written, relevant questions to the other party or any witness
- Decision-maker facilitates the exchange of written questions
- Decision-maker makes decision and prepares a Written Determination
- Both parties have right to appeal

Formal Grievance Procedure (Higher Education)

- Investigator gathers evidence and interviews parties/witnesses.
- Investigator shares evidence with the parties in a written report.
- Parties have 10 days to respond to the evidence.
- Investigator conducts any necessary follow up.
- Investigator prepares Investigation Report.
- Investigation Report is sent to the parties.
- Live Hearing with cross-examination (indirect questioning only).
- Decision-maker makes decision and prepares a Written Determination.
- Both parties have right to appeal.

Grievance Process: Rights of Parties

- Receive detailed notice of investigation (names, dates, times, locations).
- Have a support person or advisor present throughout the Title IX grievance process.
- At least 10 days to review directly related evidence in preliminary report.
- At least 10 days to review relevant evidence in the final investigation report and submit written questions to the decision maker (K-12) or Live Hearing (can be through videoconference) (Higher Ed).
- Right to appeal decision.



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Checklist for Beginning Effective Investigations

Receiving the
Report

Conducting an
Intake

Urgent/Supportive
Measures

Receive or File
Formal Title IX
Complaint

Assessing the
Nature of the
Report

Frame the Scope

Send Notice of
Investigation



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77

Informal Resolution

Informal Resolution

Formal Title IX Complaint;

Written notice of allegations;

No written determination; and

Voluntary, **written** consent.



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Informal Resolution

Right to withdraw.

**Cannot be used for
employee v. student.**



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Sexual Assault?

Conducting Informal Resolution

- Identify ground rules for the chosen resolution process:
 - This does not need to include Complainant and Respondent interacting, and
 - This does not need to include mediation.
- Allow both parties to share their side of the story without interruption:
 - Feel free to prompt the parties with open-ended questions (i.e., "How did this make you feel?," "Help us understand..." etc.).
- Ask clarifying questions to fill in any details.
- The facilitator should be able to objectively summarize what each party has shared.
- Let the parties propose their own possible solutions first.



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Informal Resolution Agreements

Agreement

- Reduce agreement to writing.
- May look like a summary of commitments, or a contract.
- Can include discipline, supportive measures, etc.

No Agreement

- Voluntary process: parties may withdraw at any point prior to reaching a determination of responsibility and resume a formal grievance process.



Title IX and Student Discipline

STOP Before You Discipline



The Title IX framework requires that the formal grievance procedure be concluded before any disciplinary measures are implemented.



Hypothetical

Casey (a female junior) comes in and shows you a video of Robert (a male junior) rubbing her back and shoulders. Casey said she asked a friend to record the video yesterday during group work in fourth period. She says that Robert has been touching her in this manner all week, but yesterday she was seated, and he squeezed her above the knee to get her attention. She says the first time Robert touched her was when she ran into him over the holiday break at a resort in Mexico, except that time was under her swimsuit.

- What are your next steps?



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Legal Update: Title IX and Gender Identity



- Supreme Court decision – *B.P.J./Hecox*:
 - No impact on California Law; and
 - Limited to sports.
- In California, students are permitted to play on sports team, use facilities, etc. in accordance with their gender identity.



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Title IX Assessment Form

Title IX Assessment Form

Complainant: _____ Respondent: _____

Step 1: Definition of Sexual Harassment under Title IX

☐ The alleged conduct may meet the definition of sexual harassment under Title IX. (Check all that apply.) If any box in this section is checked, move to **Step 2: Jurisdiction**. If none of boxes in this section are checked, move to **Step 3**:

☐ A District employee conditioning the provision of a District aid, benefit, or service on a person's participation in unwelcome sexual conduct.

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

☐ **Sexual assault:** Any sexual act including Rape,¹ Statutory Rape, Sexual Contact,² and Incest. 20 U.S.C. § 1092(f)(6)(A)(v)

☐ **Dating violence:** Violence committed by an individual who is or has been in a social relationship of a romantic or intimate nature with the victim. 34 U.S.C. § 12291(a)(10)



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87

- ☐ **Domestic violence:** Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by an individual with whom the victim shares a child in common, by an individual who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by an individual similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other individual against an adult or youth victim who is protected from that individual's acts under the domestic or family violence laws. 34 U.S.C. § 12291(a)(8)
- ☐ **Stalking:** Engaging in a course of conduct directed at a specific individual that would cause a reasonable individual to: (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress. 34 U.S.C. § 12291(a)(30)

Step 2: Jurisdiction under Title IX

Check all that apply. If all boxes are checked move to Step 3a. If not all boxes are checked move to Step 3b.

- ☐ The District had substantial control over the respondent at the time of the alleged harassment.
- ☐ The District had substantial control over the context in which the alleged harassment occurred.
- ☐ The conduct occurred against a person in the United States.
- ☐ The complainant was participating/attempting to participate in the educational program at the time the complaint was filed.

¹ Rape is the penetration, or attempted penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by sex organ of another person without affirmative consent of Complainant.
² Sexual contact is the intentional or forced touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation.



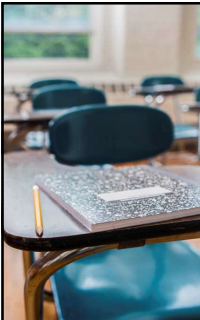
Step 3a: Title IX

If the allegations could meet the definition of sexual harassment under Title IX, and the jurisdiction requirements of Title IX, reach out to Title IX Coordinators. Do NOT implement discipline. Title IX Coordinators will work with you to assess next steps, including a conversation with complainant regarding their right to file a Formal Title IX complaint.

Step 3b: Non-Title IX Sexual Harassment

If the alleged conduct does not meet the definition of sexual harassment under Title IX, or the jurisdictional requirements of Title IX are not met, the complaint/allegations will be investigated in accordance with other applicable Board Policies. It may still be necessary to provide Title IX Coordinators, with information regarding the alleged conduct, the supportive measures taken, and other information for the Title IX log (consult with Title IX Coordinators regarding same).





Takeaways

- Schools have an obligation to address sexual misconduct.
- Title IX Regulations outline definitions and procedures.
- Report to the Title IX Coordinator.
- Supportive Measures.









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94





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96

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