

# Title IX – What Site Administrators Need to Know

Chino Valley Unified School District



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PRESENTED BY:  
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# Agenda

- Scope of 2024 Title IX Regulations and Definitions
- Title IX Roles and Responsibilities
- Title IX Grievance Process
- Intake
- Retaliation
- Check for Understanding

# 2024 TITLE IX SCOPE AND DEFINITIONS

# Federal Law - 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 of the Education Amendments of 1972 (20 U.S.C. Section 1681 et seq.) and related regulations (34 C.F.R. Part 106).)

# Title IX Regulations – Definitions

- **Complainant**
- **Respondent**
- **Parties**
- **Discrimination**
  - Disparate treatment
  - Harassment
- **Grievance Process**

# Title IX Regulations – Definition of Recipient

**Recipient** means 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.

A public school district that receives Federal financial assistance is a **Recipient** and must comply with the 2024 Title IX regulations.

Throughout this training, we use **District** instead of Recipient.

# 2024 Title IX Regulations

## 1. New Regulations and Guidance

- Text of regulations contained in **34 CFR Part 106** have the full force and effect of law as of **August 1, 2024**, (depending on court injunctions pending in various states)

## 2. Goal to Stop and Prevent Sex Discrimination, Including Sex-Based Harassment

## 3. Expands Scope of Title IX

- Expands “sex-based harassment” to include harassment **based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and/or gender identity**, which includes quid pro quo harassment, hostile environment harassment, or one of the four specific offenses including sexual assault, fondling, domestic violence, and dating violence

## 4. More Flexibility for District to Tailor its Grievance Process

# Response to Sexual Discrimination

- A District with knowledge of conduct that reasonably may constitute sex discrimination in its education program or activity must:
  - Respond promptly and effectively; **and**
  - Comply with the 2024 Regulations to address sex discrimination in its education program or activity.



# Title IX Training Requirements

- All employees must be trained on:
  - The District's obligation to address sex discrimination in its educational program or activity
  - The scope of conduct that constitutes sex discrimination under Title IX, including the definition of sex-based harassment
  - All applicable notification and information requirements regarding pregnancy and parenting
  - The scope of the District's required response to discrimination allegations

## Title IX Training Requirements, Cont.

- Investigators, decisionmakers & other persons must be trained on issues listed above as well as:
  - The District's obligations
  - The District's grievance procedures
  - How to serve impartially, including avoidance of prejudgments of facts, conflicts of interest, and bias
  - The meaning and application of "relevance" in relation to questions and evidence
  - What evidence is impermissible

# Knowledge & Reporting: Non-Confidential Employees

- **K-12 Educational Institutions** must require all non-confidential employees to notify the Title IX Coordinator when the employee has received information about conduct that reasonably may constitute sex discrimination under Title IX.
- Annual **training of all K-12 employees** is required and must cover the definitions of sex discrimination and reporting responsibilities to the Title IX Coordinator.

# Knowledge & Reporting: Confidential Employees

- **Confidential employees** are employees whose communications are privileged or confidential under Federal or State law.
  - Examples may include counselors, psychologists, and/or psychiatrists who receive information **while performing** privileged or confidential duties
  - However, must report to Title IX Coordinator if received information while performing non-confidential counseling duties
  - Districts must notify students and employees of availability and contact information for confidential employees

## Knowledge & Reporting: Confidential Employees, Cont.

- When a **confidential employee** receives a report of Title IX discrimination, the confidential employee must explain:
  - The employee's status as confidential and when the employee is required or not required to report;
  - How the reporting party can contact the Title IX Coordinator to make a complaint; and
  - Explain how Title IX Coordinator can offer supportive measures, an informal resolution process, and/or an investigation.

# Complaint

- A “complaint” is defined as an **oral or written request** that can **objectively** be understood to be a request for the District to investigate and make a determination about alleged discrimination based on sex, including harassment.
  - Best practice to confirm oral request in writing
- Sex-based discrimination includes discrimination based on **sex stereotypes, sex characteristics, pregnancy, pregnancy related conditions, sexual orientation, and gender identity.**

# Education Program or Activity

- Per § 106.11: Application of this process applies to conduct that occurs under a District's education program or activity *in the United States* and includes *conduct that is subject to the District's disciplinary authority*.
- A District must address sex based hostile environment allegations even if *some* of the alleged conduct took place outside the District's education program or activity or outside of the United States.
- At the time of filing a formal complaint, the Complainant does *not* need to be participating or attempting to participate in the District's education program or activity.

# Discrimination On the Basis of Sex Defined

According to § 106.10, Discrimination **on the basis of sex** includes discrimination based on:

- **Sex stereotypes**
- **Sex characteristics**
- **Pregnancy or Pregnancy related conditions**
- **Sexual Orientation**
- **Gender Identity**



# Sexual Harassment Defined

**Sexual Harassment** is a form of sex discrimination, and includes conduct on the ***basis of sex*** under one or more of following:

## 1. Quid Pro Quo Harassment

- **An employee, agent, or other person authorized by the District to provide an aid, benefit, or service under the District's education program or activity** explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct
- Quid pro quo harassment is not required to be offensive, severe, and/or pervasive.

# Sexual Harassment Defined, Cont.

## 2. Hostile Environment Sexual Harassment

Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively **and** objectively offensive **and** is so severe **or** pervasive that it limits **or** denies a person's ability to participate in **or** benefit from the District's education program or activity (i.e., creates a hostile environment).

# Sexual Harassment Defined, Cont.

## 2. Hostile Environment Sexual Harassment, continued:

- Fact-specific inquiry that includes consideration of:
  - The degree to which the **conduct affected the Complainant's ability** to access the District's education program or activity;
  - The **type, frequency, and duration** of the conduct;
  - The parties' ages, roles within the District's education program or activity, previous interactions, and other **factors about each party that may be relevant** to evaluating the effects of the conduct;
  - The **location** of the conduct and the **context** in which the conduct occurred; and
  - Other sex-based harassment in the District's education program or activity.

# Sexual Harassment Defined, Cont.

## 3. Other Specific Acts on the Basis of Sex

- **Sexual assault** per 20 U.S.C. 1092(f)(6)(A)(v): Includes Forcible and Nonforcible Sex Offenses
- **Dating violence** per 34 U.S.C. 12291(a)(10)
- **Domestic violence** per 34 U.S.C. 12291(a)(8)
- **Stalking** per 34 U.S.C. 12291(a)(30)

No requirement that these other sexual acts be offensive, severe, **or** pervasive.

# Sexual Harassment Defined, Cont.

## A. Sexual Assault

### – Forcible:

- Any sexual act directed against Complainant, forcibly, against Complainant's will, or without consent, including rape, sodomy, sexual assault with an object, and fondling

### – Nonforcible:

- Offenses that do not involve force where the Complainant is incapable of giving consent, including statutory rape and incest

# Sexual Harassment Defined, Cont.

## B. Dating Violence

Violence (on the basis of sex) committed by Respondent:

- who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and
- 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

# Sexual Harassment Defined, Cont.

## C. Domestic Violence

Felony or misdemeanor crimes of violence (on the basis of sex) committed by:

- A current or former spouse or intimate partner of the Complainant
- A person with whom the Complainant shares a child in common
- A person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner
- A person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the jurisdiction receiving grant monies, or
- Any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

# Sexual Harassment Defined, Cont.

## D. Stalking

The term “stalking” means engaging in a course of conduct (on the basis of sex) directed at Complainant that would cause a reasonable person to:

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



# Pregnancy or Related Conditions

- Regulations now prohibit discrimination against students, employees, or applicants, based on ***pregnancy or pregnancy related conditions***.
  - To prevent sex discrimination and ensure equal access to its education program or activity, a District should take steps such as providing ***reasonable modifications for students, reasonable break time for lactation, and lactation space for students and employees***.
  - Districts are prohibited from requiring documentation from students to obtain reasonable modifications unless documentation is necessary and reasonable.
- Employees must promptly inform a pregnant student, (or person who has a legal right to act on behalf of the student), of the Title IX Coordinator's contact information and inform them that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the District's education program or activity.

# TITLE IX ROLES AND RESPONSIBILITIES

# Title IX Roles

1. Title IX Coordinator
2. Supportive Measure Reviewer
3. Investigator/ Decision Maker
4. Informal Resolution Process Facilitator
5. Appeal Officer

***All Title IX team members must be trained*** on the obligation to address sex discrimination in its education program or activity, the scope of conduct that constitutes sex discrimination, and all applicable notification and information requirements under §106.40(b)(2) and §106.44.

***All team members must be impartial, unbiased, and free from conflicts.***

# Questions for Site Administrators

- 1. Who will have the initial communication with Complainant?**
  - a. What information should you gather?
  - b. Should you meet with the Respondent?
- 2. Who will meet/communicate with the Complainant's parent?**
- 3. Do you need to contact CPS and/or law enforcement?**
- 4. Who else in the District should you notify?**
  1. Title IX Coordinator(s)
  2. Human Resources?
  3. Special Education Department?

# Questions for Site Administrators

- 5. How do you keep Complainant & Respondent on campus but prevent harassment during investigation?**
- 6. What is your responsibility concerning supportive measures?**
- 7. How do you handle a concurrent law enforcement investigation?**
- 8. How do you handle criminal or civil restraining orders against students or employees on campus?**
- 9. Who recommends student or employee sanctions after the decision?**

# **THE SITE ADMINISTRATOR'S ROLE(S)**

# The Site Administrator's Role

- Administrators can be designated to any role, but typically fill the roles of:
  - Informal Resolution Process Facilitator or
  - Investigator/Decision Maker
- Even when not designated a specific role, administrators must ensure compliance with:
  - Mandated reporting obligations
  - Employee and student due process rights
  - Adequate training for non-management employees on Title IX obligations
  - Compliance with IDEA or Section 504
  - Responding to related claims
  - Responding to the community, parents and media
  - Implementing supportive measures

# Title IX Team: Title IX Coordinator(s)

## Title IX Coordinator Duties:



- If District has multiple Title IX Coordinators, **one** coordinator must retain ultimate oversight
  - Chino has two who will retain ultimate oversight over matters within their scope of responsibility
- The Title IX Coordinator oversees the coordination of efforts to implement and comply with the Title IX process
  - Title IX Coordinator treats parties equitably, accepts reports & complaints, sends Notice of Allegations, coordinates supportive measures, initiates grievance procedures and/or informal resolution, assigns investigator-decision maker; considers dismissal options, implements training, maintains records, etc.
- Evaluates use of emergency removal of student



# District's Title IX Coordinators

## **For Complaints Involving Employees:**

Melissa Martinez,  
Coordinator, Compliance

Human Resources

13461 Ramona Ave., Chino, CA  
(909) 628-1202, Ext. 1109  
melissa\_martinez@chino.k12.ca.us

## **For Complainants Not Involving Employees:**

Antonia Hunt, Ed.D,  
Coordinator, Equity, Diversity, &  
Student Support Systems

Student Support Services

13461 Ramona Ave., Chino, CA  
(909) 628-1202, Ext. 1750  
antonia\_hunt@chino.k12.ca.us

# INTAKE PROCESS

# Meeting with Complainant

## **Title IX Coordinator Duties:**

- The Title IX Coordinator should promptly schedule a meeting with Complainant and listen to allegations and concerns after there is an oral or written request that can objectively be understood to be a request to investigate and prepare a decision regarding responsibility
- If Complainant describes sexual discrimination or sex harassment allegations, the Title IX Coordinator explains the Title IX grievance process
- *Pregnancy Related Complaint.* Promptly schedules a meeting with a pregnant student or student with a pregnancy related condition to review the nondiscrimination policy and the requirement to ensure equal access to its education program or activity, such as by providing reasonable modifications for students

# Meeting with Complainant

## **Title IX Coordinator Duties, continued:**

- Informs Complainant of the right to file or not to file a formal complaint and the right to supportive measures even if a formal complaint is not filed
- If no formal complaint is filed, the Title IX Coordinator informs Complainant of right to file a formal complaint at a later time. The Title IX Coordinator also assesses, despite Complainant's decision, whether to independently initiate a complaint and must consider several factors.
- Informs Complainant of right to request an informal resolution process and the right to exit informal resolution process at any time
- Best practice to provide a written summary of the intake meeting to the Complainant
- Monitor District for barriers to reporting information

# Supportive Measures

## Supportive Measures Defined per §106.2

- ***Individualized measures*** offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to Complainant or Respondent
- The purpose is to restore or preserve that party's access to the education program or activity, including measures designed to protect the safety of the parties or the District's educational environment, or
- Provide support during the District's grievance procedures under or during the informal resolution process under §106.44(k)
- **Examples of Supportive Measures** may include counseling, course-related adjustments, modified schedule or "partial removal," extended deadlines, campus escort, increased security and monitoring, and/or mutual restrictions on contact between the parties

# Emergency Removal Option for Students

1. Institution **may** remove Respondent on an emergency basis per §106.44(h) by undertaking an individualized safety & risk analysis, determines that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies removal, **and** provides Respondent with notice and an opportunity to challenge the decision immediately following removal.
2. Cannot modify student rights under IDEA, Section 504, and/or ADA
3. Provide education to Respondent while removed based on federal and/or state laws
4. Consider “partial removal” in appropriate circumstances?

# Administrative Leave Option for Employees

1. Institution may place an employee Respondent on administrative leave, per §106.44(i) during the pendency of a grievance process
2. This administrative leave option cannot be construed to modify any rights under Section 504 or the Americans with Disabilities Act.

# **TITLE IX GRIEVANCE PROCESS**



# Grievance Procedure

- a. General Requirements
- b. Basic Requirements
- c. Notice of Allegations
- d. Dismissal of a Complaint
- e. Consolidation of Complaints
- f. Complaint Investigation
- g. Questioning Parties & Witnesses
- h. Determination Whether Sex Discrimination Occurred
- i. Appeals
- j. Additional Provisions
- k. Informal Resolution

**See 34 CFR § 106.45**

# General Requirements

- District must provide for ***prompt and equitable resolution complaints*** of sex discrimination against a person.
- Requirements related to a respondent only apply to sex discrimination complaints alleging that a person violated the prohibition on sex discrimination
- The following persons have a right to make a complaint:
  - Complainant
  - Parent/guardian/authorized legal representative of Complainant
  - Title IX Coordinator
  - For sex discrimination complaints that do not include sex-based harassment: any student, any employee, or any person other than a student or employee who was participating or attempting to participate in the education program or activity at the time of the alleged discrimination

# Basic Requirements

- District must treat Complainants and Respondents equitably, require objective evaluation of all relevant evidence, including inculpatory and exculpatory evidences
- Cannot make credibility decisions based on a person's status as Complainant, Respondent, or witness
- Must presume Respondent is not responsible until a determination is made
- Establish reasonably prompt time frames for stages of process and explain delay
- Take reasonable steps to protect the privacy of the parties and witnesses, without restricting the ability of the parties to obtain and present evidence
- Exclude impermissible evidence and questions
- If have more than one grievance procedure, written grievance procedures shall explain how the district will consistently determine which procedure applies

# Requirement for Sex-Based Harassment

## **Provisions limited to complaints alleging sex-based harassment**

For complaints alleging sex-based harassment, the Title IX grievance procedures must:

1. Describe the range of supportive measures available to complainants and respondents under 106.44(g), and
2. List, or describe the range of, the possible disciplinary sanctions that the District may impose and the remedies that the District may provide following a determination that sex-based harassment occurred.

# Dismissal of Complaint

- District **may** dismiss a formal complaint or allegations any time during the investigation or hearing *if* :
  - (1) the respondent is unidentifiable after reasonable attempts to identify
  - (2) the respondent is not participating in the educational program or activities and/or is not employed by the District
  - (3) the complainant voluntarily withdraws any or all allegations, and any remaining allegations would not constitute discrimination under Title IX; or
  - (4) the allegations, even if proven, would not violate Title IX after reasonable efforts have been made to clarify the allegations with the complainant

## Dismissal of Complaint, Cont.

- Must promptly notify Complainant of the basis for the dismissal
- If Respondent has already been notified of the allegations, District must also notify Respondent of the dismissal, the basis of the dismissal, and appeal options at the same time as Complainant or promptly after notifying Complainant
- Dismissal may be appealed for procedural irregularity, new evidence, and conflict of interest or bias against parties that would ***change the outcome***

# Determination Whether Sex Discrimination Occurred

The Title IX Coordinator role after the decision :

- If the Respondent is found to be responsible, the Title IX Coordinator may coordinate disciplinary sanctions for Respondent, consistent with federal and state laws
- Title IX Coordinator may notify Complainant of disciplinary sanctions, as allowed by federal and state laws
- Title IX Coordinator must take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur in the District's education program or activity
- Discipline for Respondent may only occur after there is a determination that Respondent engaged in prohibited sex discrimination

# RETALIATION



# Retaliation

- The District must prohibit Retaliation, including peer retaliation, in its education program or activity.
  - **Retaliation means:** Intimidation, threats, coercion, or discrimination against any person by the District, a student, or an employee or other person authorized by the District to provide an aid, benefit, or service under the District's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or this part, or 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 this part, including an informal resolution process, in grievance procedures, and if applicable any other actions taken by the District.

# Retaliation, continued

- When the District has information about conduct that reasonably may constitute retaliation under Title IX, the District is obligated to comply with Section 106.44 in its response to the retaliation complaint.
  - Specifically, the District must initiate its grievance procedures discussed above, or as appropriate, engage in an informal process under Section 106.44(k).

# COMMON PITFALLS

# 1 – RECOGNIZING TITLE IX

Hypothetical:

Terry Teacher wants to make extra money and starts offering tutoring services to students after school and on weekends. Some tutoring sessions take place in the student's home, while others take place at the library. Sally Student approaches Patty Principal and requests to be switched out of Terry's class because he makes her feel uncomfortable.

Is this a Title IX situation?

# RECOGNIZING TITLE IX: Education Program or Activity

- Per § 106.11: The Title IX process applies to conduct that occurs under a District's education program or activity in the United States and includes conduct that is subject to the District's disciplinary authority.
- A District must address sex based hostile environment allegations even if some of the alleged conduct took place outside the District's education program or activity or outside of the United States.
- The Complainant does not need to be participating or attempting to participate in the District's education program or activity.

# RECOGNIZING TITLE IX

Hypothetical: Custodians Alice and Al are involved in a romantic relationship. They are very professional at work and do not disclose their relationship. Months later, Al reports feeling harassed by Alice and informs you of their relationship and fact that they broke up.

Is this a Title IX situation?

# RECOGNIZING TITLE IX: Defining Complainant and Respondent

- Do the Title IX regulations apply to allegations by or against an employee?
- Title IX covers “all persons” and applies to employee v. employee sexual harassment in addition to Title VII and FEHA.
  - Complainant is an individual who is alleged to be the victim.
  - Respondent is an individual who has been reported to be the perpetrator.
  - Any person may be a complainant or respondent.
- Districts are subject to both Title VII and Title IX and must comply with both.
- Nothing about the Title IX regulations lessens an individual’s rights under Title VII.

# RECOGNIZING TITLE IX

- **For employee vs. employee complaints:**
- Due process during a Title IX investigation is much more rigorous compared to Title VII.
  - Employee complaints of sexual harassment start with the Title IX Coordinator
  - During intake meeting, Title IX Coordinator offers supportive measures and explains process.
  - Title IX Coordinator may decide to dismiss out of Title IX
  - NOA should list all the potential violations under District policy (Title IX/Title VII/BP/AR/FEHA)
- Intentional avoidance of Title IX may form the basis for a claim of retaliation under Title IX



## 2 – FAILING TO IMPLEMENT PRELIMINARY MEASURES

- Report to CPS and/or law enforcement
- Placement of employee on paid administrative leave
- Supportive measures
- Commencement of student and/or employee discipline process

# PRELIMINARY MEASURES: When to Make a CPS Report

- You must make a report whenever, in your professional capacity or ***within the scope of your employment***, you have knowledge of or observe a child whom you know or ***reasonably suspect*** has been the victim of child abuse or neglect. (Penal Code § 11166.)

# PRELIMINARY MEASURES: When to Make a CPS Report

- In California, it is illegal for minors to have sex. (Penal Code § 261.5.)
- A REPORT **IS** AUTOMATICALLY REQUIRED:
  - Non-consensual sexual conduct between children of any age.
  - Any sexual conduct where child is under 16 and partner is 21 or older. (Penal Code §§ 261.5(d), 11165.1(a).)
  - Any sexual conduct where child is under 14 and partner is 14 or older.

*(People ex rel. Eichenberger v. Stockton Pregnancy Control Medical Clinic, Inc. (1988) 203 Cal.App.3d 225.)*

# Mandated Reporting and Overlap with Title IX

- A circumstance that triggers a mandated report to law enforcement of suspected child abuse may **ALSO** require a **SEPARATE REPORT** to the Title IX Coordinator if circumstances indicate unlawful discrimination based on sex/gender in a District program or activity, including sexual violence or sexual harassment.

# PRELIMINARY MEASURES: Removal of Respondent

- Under Title IX, may remove a student or employee Respondent from the educational/work environment under the emergency removal process
  - Must first undergo individualized safety & risk analysis
  - Analysis must determine that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations of sex discrimination
- For student respondents – must ensure compliance with applicable IEP or 504 plans
- For employee respondents – may place on administrative leave
- Not viewed as disciplinary in nature under Title IX

# PRELIMINARY MEASURES: Removal of Respondent

- Cannot modify any rights under IDEA, Section 504 or the ADA
- Administrative leave option determined by Title IX and Human Resources to ensure due process
- Administrative leave must also comply with District policies, collective bargaining agreements and past practice
- **Note:** Administrative leave is an “adverse action” under FEHA/Title VII

# PRELIMINARY MEASURES: Supportive Measures

- Supportive measures must be offered that are designed to restore or preserve equal access to the education program or activity
- Includes measures designed to protect the safety of all parties or the educational environment, or deter sexual harassment
- Supportive measures can keep Complainant and Respondent separated
  - Modifications to class schedules
  - School site or work location transfers
  - Adjusted hours
  - Mutual restrictions on contact between the parties
- May not unreasonably burden other party
- Student suspension under Education Code?

# 3 – INAPPROPRIATE ADMONISHMENTS

- Cannot restrict ability of Complainant or Respondent to discuss allegations under investigation or to gather & present relevant evidence - no “gag orders”
  - May differ from traditional personnel investigatory admonitions
- Can direct parties & witnesses not to tamper with evidence, retaliate or harass
- Educational entity must maintain confidentiality while parties exercise free speech rights



# 4 – NOT COORDINATING WITH OTHER DEPARTMENTS

- Have you consulted with the Title IX Coordinator on situations involving allegations of sexual misconduct?
  - Parallel investigations
- Have you coordinated with student services concerning supportive measures?
- Have you consulted with the Special Education Department for complaints involving students with disabilities?
- Is there a need to involve law enforcement?
- Do you need to work with Risk Management and/or legal counsel regarding lawsuits or other claims filed?

# 5 - IMPROPER HANDLING OF EVIDENCE

- District must maintain all records gathered and generated during Title IX process for seven years, including:
  - Determination regarding responsibility
  - Audio or audiovisual recording or transcript
  - Any disciplinary sanctions imposed on Respondent and remedies provided to Complainant
  - Any appeal and the result of the appeal
  - Any informal resolution and the result of the informal process
  - All materials used to train Title IX team members
  - Any actions, including supportive measures, taken
  - The measures taken which were designed to restore or preserve equal access to the education program or activity

# REAL WORLD CONSIDERATIONS

# Where Can Title IX Violations Occur?

- ALL Educational Programs and Activities
  - All District Programs
  - Educational
  - Extracurricular
  - Athletic
  - Off-Campus Programs?
  - District Sanctioned/Related Trips

# Some Possible Title IX Scenarios

1. Sexting/Instagram/Twitter/Facebook, etc.
2. “Slut-shaming”
3. Anti-gay slurs, regardless of the individual’s sexual orientation
4. Employee-student sexual misconduct
5. Student-student sexual assault or sexual harassment
6. Employee-employee sexual misconduct
7. Hazing
8. Conduct amongst elementary students may be more subtle but harassing no less.

# Why Is Compliance So Difficult?

## Real World Ambiguous Issues:

- “Please don’t tell anyone.”
- “I am afraid of retaliation.”
- “I feel uncomfortable, but don’t know why.”
- “I don’t want my name in the news.”
- “My friend is a victim, but she is scared to say anything.”
- “I don’t want my boyfriend to get in trouble.”

# Why Is Compliance So Difficult?

## Roadblocks:

- Lack of Knowledge
- Lack of Awareness
- Fear of Other Policy Violation
- Confidentiality Concerns
- Coordination Among Departments



# What Must/Can We Do About ...

1. Anonymous complaints
2. Reluctant complainants/witnesses
3. Rumors/gossip
4. Off-campus conduct



# What You Should Know

## 1. What?

- a) What Acts Are Considered Sexual Misconduct?
- b) What Are Institutions Supposed to Do After an Incident?

## 2. Who?

- a) Who Is Responsible for Handling Title IX situations?
- b) Who is Protected by Title IX?

## 3. Where?

- a) Where Can Title IX Violations Occur?
- b) Where Should You Go to Address Violations?

## 4. Why?

- a) Why Is Compliance So Difficult?
- b) Why All Employees Should Be Aware of Title IX.

# CHECK FOR UNDERSTANDING

# Hypothetical

***On or about Friday, August 23, 2024, Respondent tutored Complainant on campus in the library immediately after school. Respondent put a hand on Complainant's knee, made comments about sexual acts (e.g., "smashing") and then touched Complainant's groin area. When Complainant moved away, Respondent moved towards Complainant. Complainant immediately left the library.***

***Complainant's parent reported the matter to the Principal by calling the school office at 7:30 a.m. on Monday, August 26th.***

Question & Answer  
Session

# Thank You

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