

2020 TITLE IX REGULATIONS REFRESHER

TITLE IX
UNIVERSITY

PRESENTED BY INSTITUTIONAL COMPLIANCE SOLUTIONS

ABOUT US



OUR MISSION

To provide the best Care and Support for our clients, Community Partners, employees, contractors, collaborators, vendors, and all others who encounter our company.



GOAL

To assist schools and districts in providing a safe and healthy learning and working environment for students, faculty and staff.





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Chief Innovation Officer



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CEO



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BEFORE WE GET STARTED...

- ✓ Not legal advice
- ✓ Materials
- ✓ Questions
- ✓ Repetition
- ✓ Breaks
- ✓ Posting link
- ✓ No recording

AGENDA

01 Introduction and Overview

02 Foundational Principles

03 Sexual Harassment - The What and Who

04 Sexual Harassment - The Where

05 Title IX Formal Grievance Process

06 Policy, Team, Training

07 Final Reminders

COURSE APPROPRIATE FOR:

Title IX professionals who have already received *meaningful* training on the 2020 Title IX regulations.





CURRENT LANDSCAPE

REALITIES:

- ✓ Being asked to do more with less
- ✓ Compliance is ever expanding
- ✓ Expectations of community
- ✓ Increase in reporting
- ✓ Rapid speed of this administration





WHAT IS HAPPENING?!

2025

**Executive
Orders**



Litigation



**Supreme
Court**



**State
Laws**



**Administrative
Action**



IMPACT

OFFICE FOR CIVIL RIGHTS



Staffing

- 7 of 12 regional offices closed
- Mass layoffs (304 of 512 employees terminated)



Investigations

- Case processing manual
- Special Investigations Team (SIT)
- Directed investigations
- Determinations prior to completed investigations



Focus

- Transgender athletics
- Athletics Equity
- Antisemitism
- "DEI"

TITLE IX FOUNDATIONAL PRINCIPLES



ACCESS

**Sexual
Harassment**

**Athletics &
Programs**

Pregnancy

TITLE IX

**TITLE IX
UNIVERSITY**

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**ACCESS IS
MORE THAN
JUST NOT
GOING TO
SCHOOL...**

FAIR AND EQUITABLE PROCESS

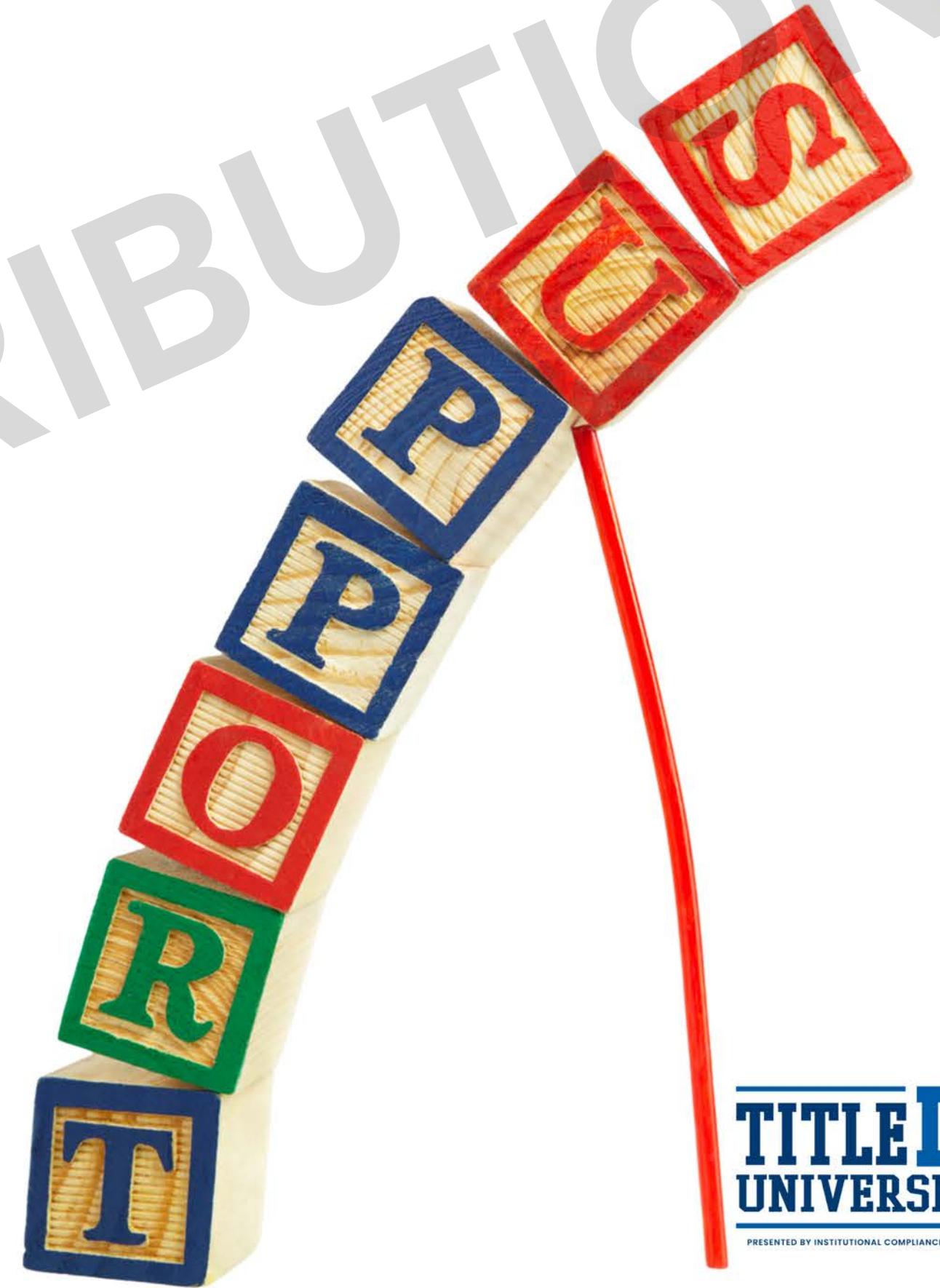
UNFAIR

FAIR



**SUPPORT FIRST,
SUPPORT ALWAYS**

NOT FOR DISTRIBUTION



WHAT THIS LOOKS LIKE IN PRACTICE



**EMPATHY DRIVEN
LANGUAGE/ PRACTICES**



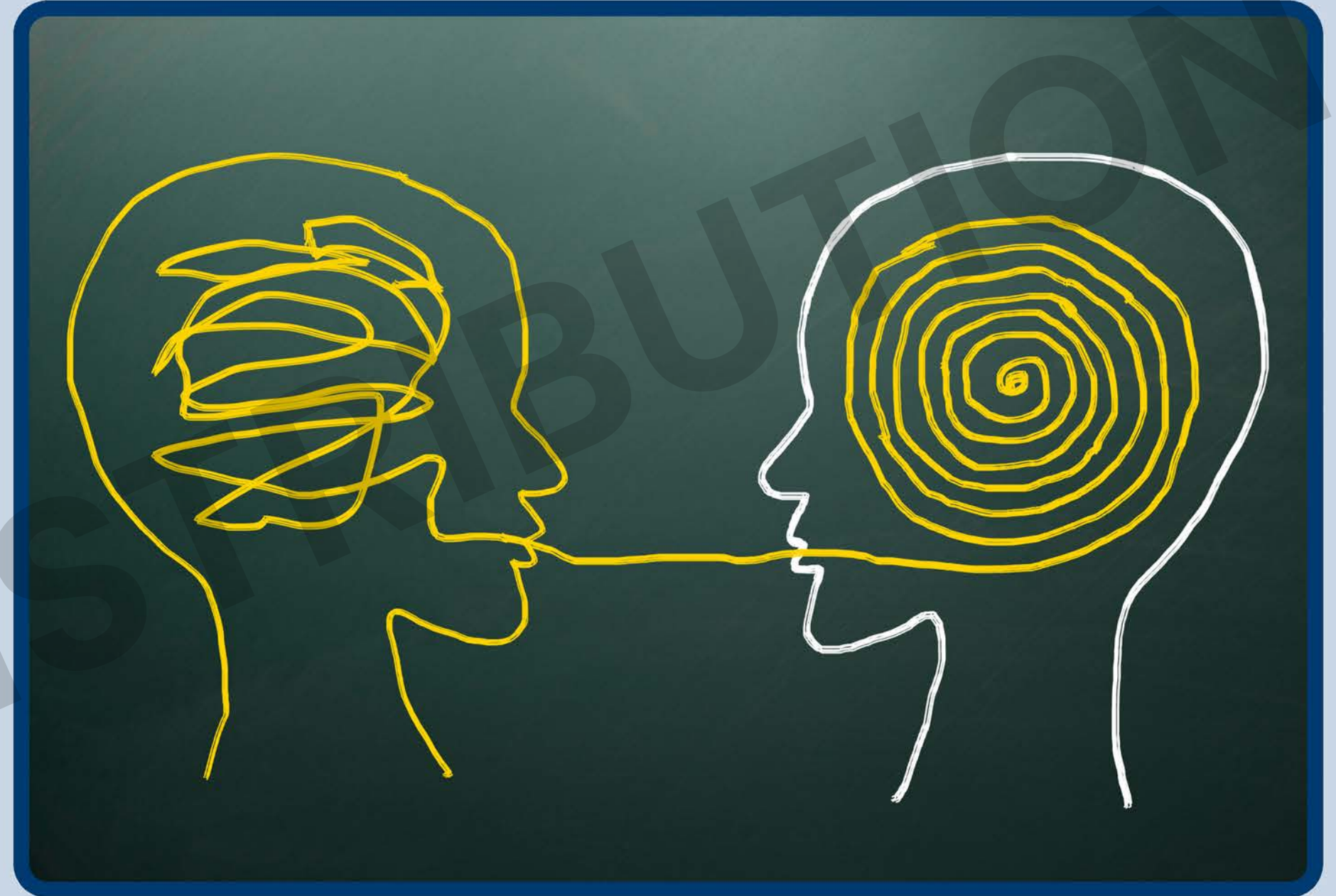
**EDUCATION OF
COMMUNITY TO
ENSURE REPORTS
MAKE IT TO TITLE IX
OFFICE**



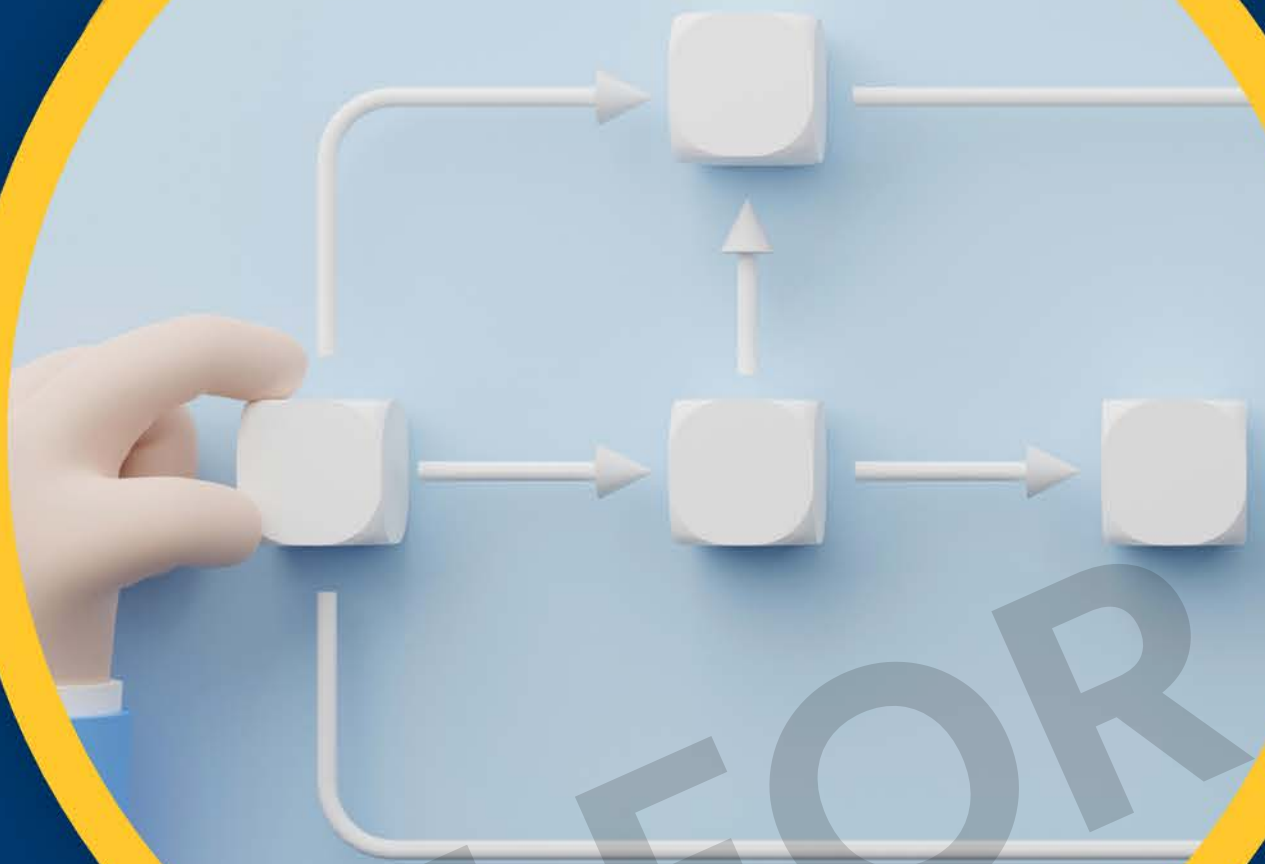
**INDIVIDUALIZED
SUPPORTIVE
MEASURES REVISITED
OFTEN AND
DOCUMENTED
EFFECTIVELY**

EXPLAIN SUPPORTIVE MEASURES TO EMPLOYEES EARLY AND OFTEN.

*Make sure they understand
BEFORE you ask them to
implement.*



TITLE IX FORMAL GRIEVANCE PROCESS



**Title IX
Sexual
Harassment**

+

**Education
Program or
Activity**

=

**Formal
Grievance
Process**



THE WHO AND WHAT

"PARTIES" IN TITLE IX MATTER

COMPLAINANT

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

RESPONDENT

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

CONDUCT THAT INVOLVES

01

Student on student

02

Employee on employee

03

Student on employee

04

Employee on student



SEXUAL HARASSMENT

1

**Quid Pro Quo
Harassment**

2

**Hostile Environment
Harassment**

3

**Specific
Offenses**

QUID PRO QUO



1. An employee of the school
2. Conditioning the provision of an aid, benefit, or service of the recipient
3. On an individual's participation in unwelcome sexual conduct

HOSTILE ENVIRONMENT HARASSMENT



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

1. Severe - can be non verbal through sexual assault (touching/fondling)
2. Pervasive - how often and how widespread
3. Objectively Offensive - behavior that would be offensive to a reasonable person under the circumstances

SPECIFIC OFFENSES



1. Sexual Assault
 - a. Rape
 - b. Fondling
 - c. Incest
 - d. Statutory Rape
2. Dating Violence
3. Domestic Violence
4. Stalking

SEXUAL ASSAULT

RAPE: The 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, without the consent of the victim.

Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.



IMPORTANT UPDATE



In June 23, 2025, the FBI issued its annual update to the National Incident-Based Reporting System (NIBRS) User Manual. This update broadens the Title IX definition of "fondling." The new definition is:

- The intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation.
- The forced touching by the victim of the actor's clothed or unclothed body parts, without consent of the victim, for the purposes of sexual degradation, sexual gratification, or sexual humiliation.
- This includes instances where the victim is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

****Talk with your Counsel/Coordinator and review your policies and procedures regarding your school's response to this change.****





DOMESTIC VIOLENCE:

Felony or misdemeanor crimes committed by a person who:

Is a current or former spouse of intimate partner of the victim under the family or domestic violence laws of the jurisdiction* of the recipient (school), or a person similarly situated to a spouse of the victim.

Is cohabitating, or has cohabitated, with the victim as a spouse or intimate.

Shares a child in common with the victim OR

Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

DATING VIOLENCE:

A CRIME COMMITTED BY A PERSON:

Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

Where the existence of such a relationship shall be determined based on a consideration of the following factors:

- Length of relationship
- Type of relationship
- Frequency of interaction between the persons involved in the relationship



STALKING:

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

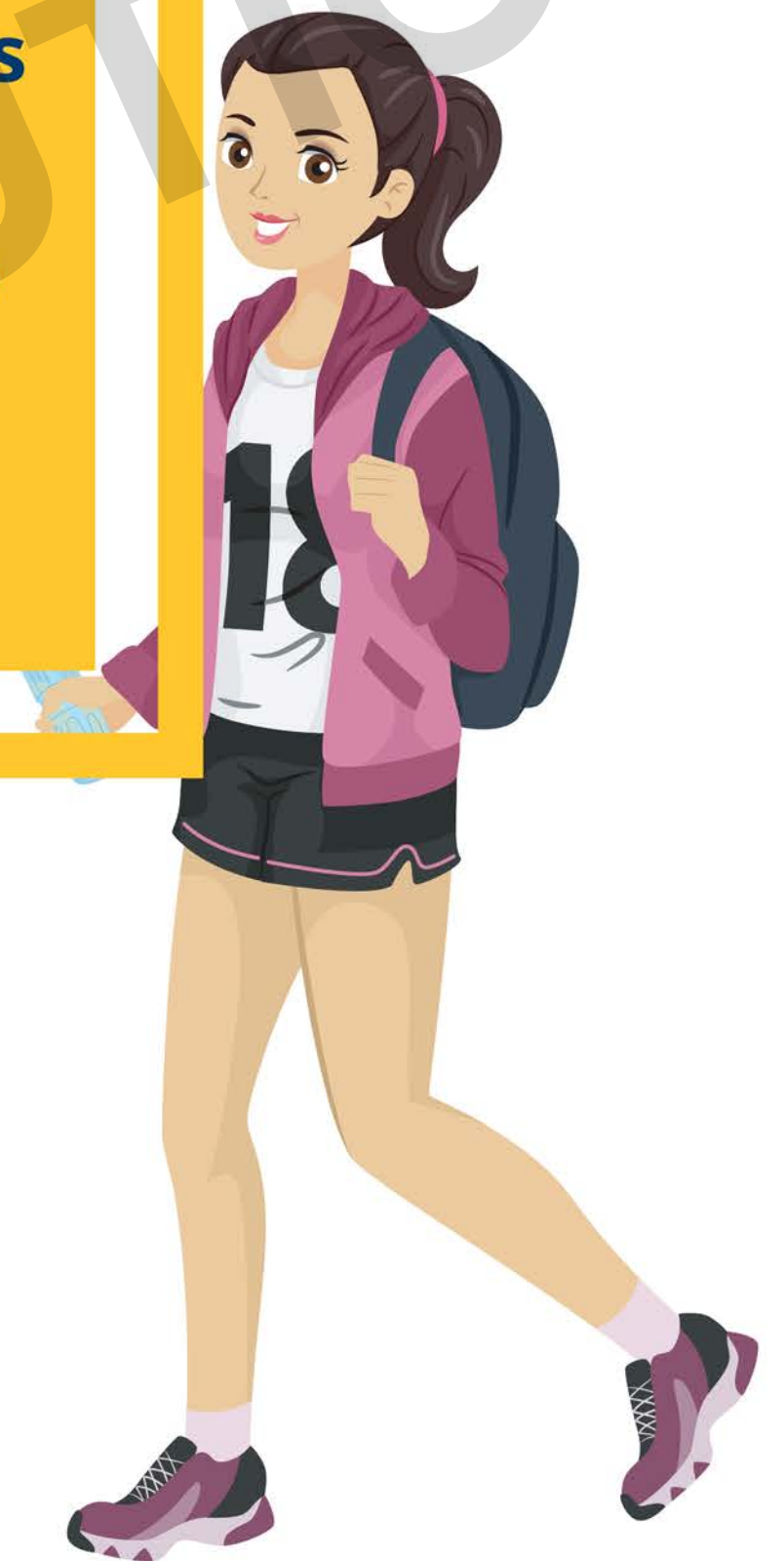
Fear for the person's safety or the safety of others OR

Suffer substantial emotional distress



**PICK YOUR
BUCKET!**

Charlotte and Campbell are students at ICS Academy. Charlotte tells Campbell that she thinks she is pretty and wants to date her. Campbell is uninterested. One day outside of class, Charlotte grabs Campbell's arm and pulls her close to her. She then grabs her butt and says, "man you have the best ass".





Coach Baker is a basketball coach at ICS University. Riley is a starter on the team. Coach Baker meets with Riley to evaluate her performance and tells her that if she agrees to sexual activity with him, he will ensure she continues to start each game.





Alex and Sophia have been dating on and off for a year. Sophia feels that the relationship is growing "toxic" and wants to break up. She reports that when she approaches Alex at a home football game to tell him she wants to break up, he grabs her wrist and pushes her against a wall and tells her she can never leave him.



THE WHERE/WHEN... JURISDICTION AND CONTROL



3 BUCKETS



**CONTROL OVER
RESPONDENT**



**CONTROL OVER
LOCATION / EVENT**



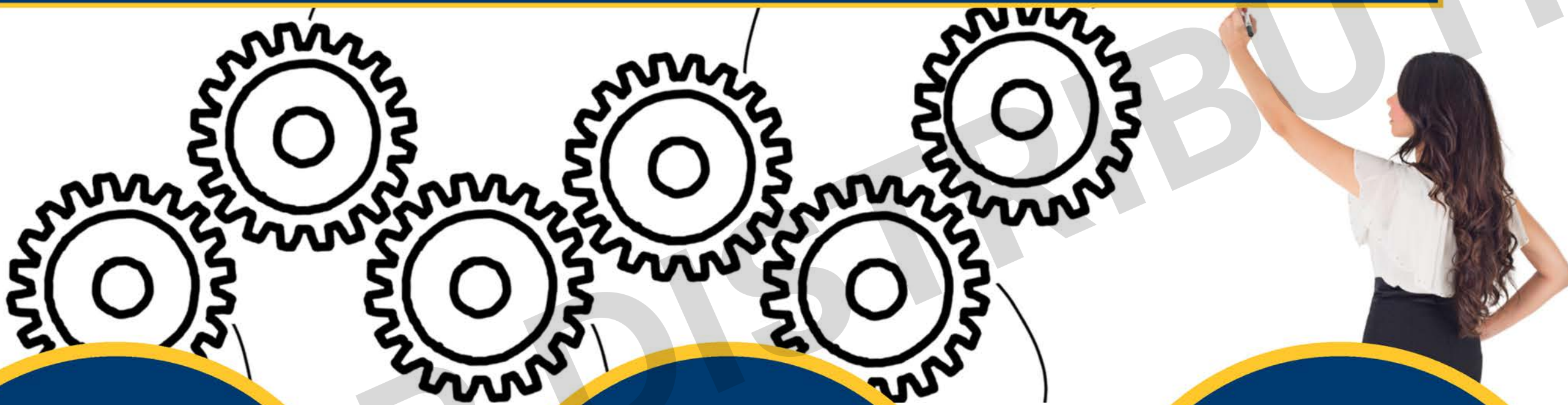
TITLE IX

**IF IT HAPPENS AT YOUR SCHOOL OR
INSTITUTION, AND YOU HAVE
CONTROL OVER THE RESPONDENT, IT
FALLS WITHIN YOUR JURISDICTION**



Ex: Parks and Rec baseball
practice at the school; summer
camp at a college

HOW IS YOUR SCHOOL OR INSTITUTION HANDLING OFF-CAMPUS SEXUAL HARASSMENT?



**STUDENT CODE
OF CONDUCT?**

**SAME
PROCESS?**

**SOMETHING
ELSE?**

Remember the scenario involving Charlotte and Campbell. Assume the conduct occurs in a parking lot of a fast-food restaurant off campus.



Remember Alex and Sophia. Sophia comes to the Title IX office with a second report. While they have broken up since the first report, Sophia now reports that during a study abroad trip for the school in England, Alex threatened to hurt Sophia if she did not get back together with him.



The Formal Title IX Grievance Process – Overview



Notice

Formal
Complaint

Respondent

Complainant

Responsible

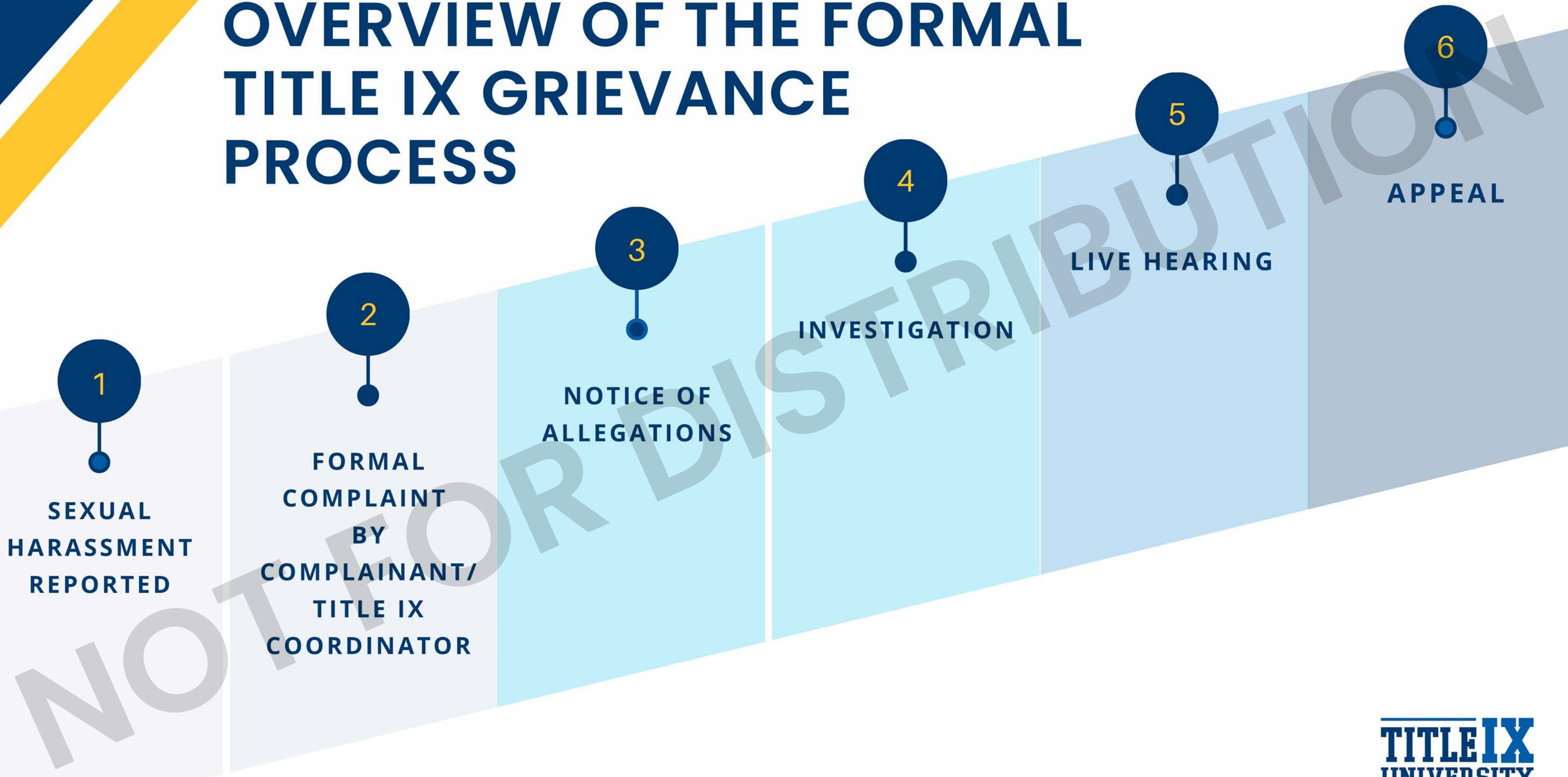
Preponderance

Decision-maker

Determination

Language Matters

OVERVIEW OF THE FORMAL TITLE IX GRIEVANCE PROCESS



TRIAGE/ EVALUATION



Responsibility of Title IX
Coordinator or Designee



No prejudgment of
information provided



Determines pathway(s)

EVALUATE

Trauma Informed Meeting and Triage Necessities

THE 4- C'S



Comfortable



Clear



Consistent



Convenient

INVESTIGATION





REMINDER!!!

- 👉 No Investigation before or without a Formal Complaint
- 👉 No Investigation without NOA
- 👉 NOA should be updated as needed and redistributed



REMINDER!!!

Re: Advisors



Entitled to an advisor of choice



Participation is dictated by policies and procedures

RESOLUTION

Introduction
to the
parties

1

Hearing

2

Ultimate
determination
of relevance

3

Determination
(+sanctions)

4





REMINDER!!!



Investigator cannot be
the Decision-Maker



SPECIAL NOTE FOR HIGHER ED



Live Hearing Required



Must provide Advisors if the parties do not have one to "cross" other party and other witnesses



Trained on technology used

APPEAL

- (options & gatekeeping)



INFORMAL RESOLUTION

- Can occur anytime after Formal Complaint but before Determination
- Cannot offer in employee on student matters
- Notice of Informal Resolution Required



EMERGENCY REMOVAL

- Ensures access for students to education program/activity except in exceptional circumstances
- Should not be used if there are other less restrictive means available
- Can happen any time in the process
- Should be determined by Coordinator
- Failure to use this process will be discipline of a Respondent in violation of Title IX



ADMINISTRATIVE LEAVE

- ▶ For employee respondents
- ▶ Paid leave



POLICY, TEAM, TRAINING



TITLE IX TEAM



Title IX Coordinator



Investigator(s)



Decision-Maker(s)



Appellate Decision-Maker(s)



Informal Resolution Facilitators?



COMPOSITION IS KEY

- The composition of the team SHOULD be different at each school
- There is not one RIGHT way to create a team



Collaborative



Flexible



Committed



Kind



Dynamic

TITLE IX COORDINATOR IS YOUR RESOURCE ON QUESTIONS

Need to be trained on
YOUR specific policies
and procedures.





TITLE IX
COORDINATOR

BE SURE YOU
HAVE CLARITY
ON YOUR ROLE
IN COMPLIANCE

KNOW
YOUR
ROLE

NOT FOR DISTRIBUTION



TITLE IX TEAM



▶ Must be trained

▶ Free from conflict of interest/bias

PLAN NOW FOR...



ABSENCES



CONFLICTS

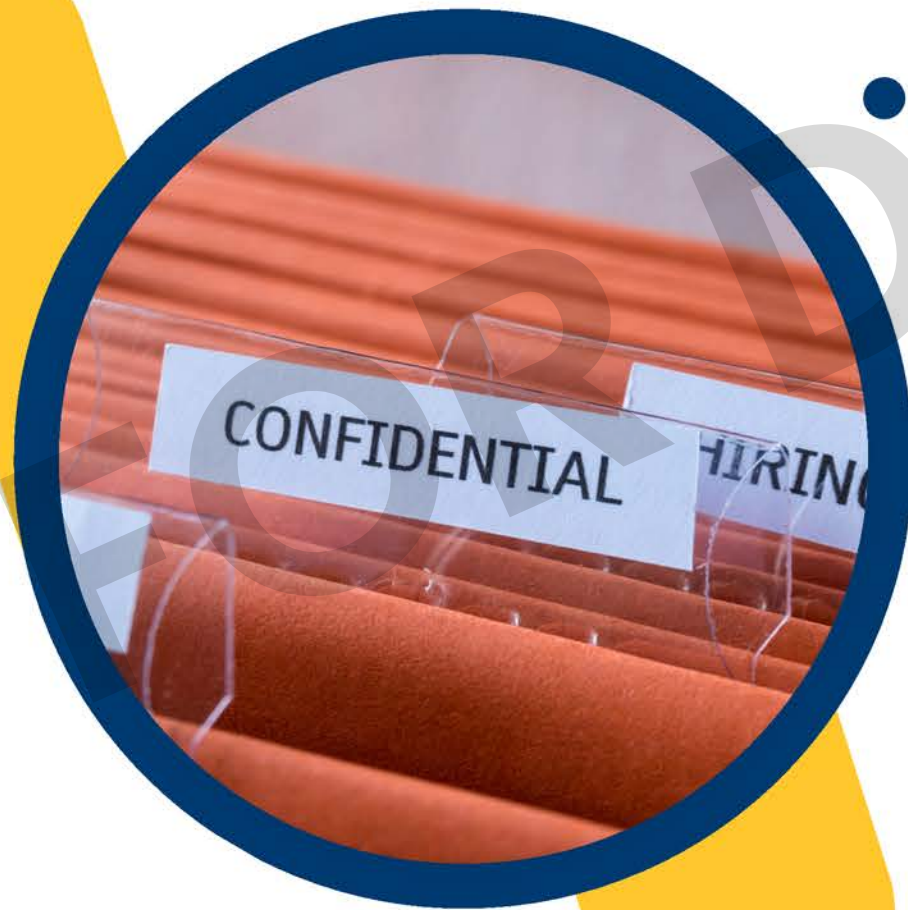


**RESOURCE
ISSUES**

...THAT MAY ARISE LATER

RECORDKEEPING

- Specific obligations to maintain records for seven years.
- You play an important part in the school complying with this mandate.



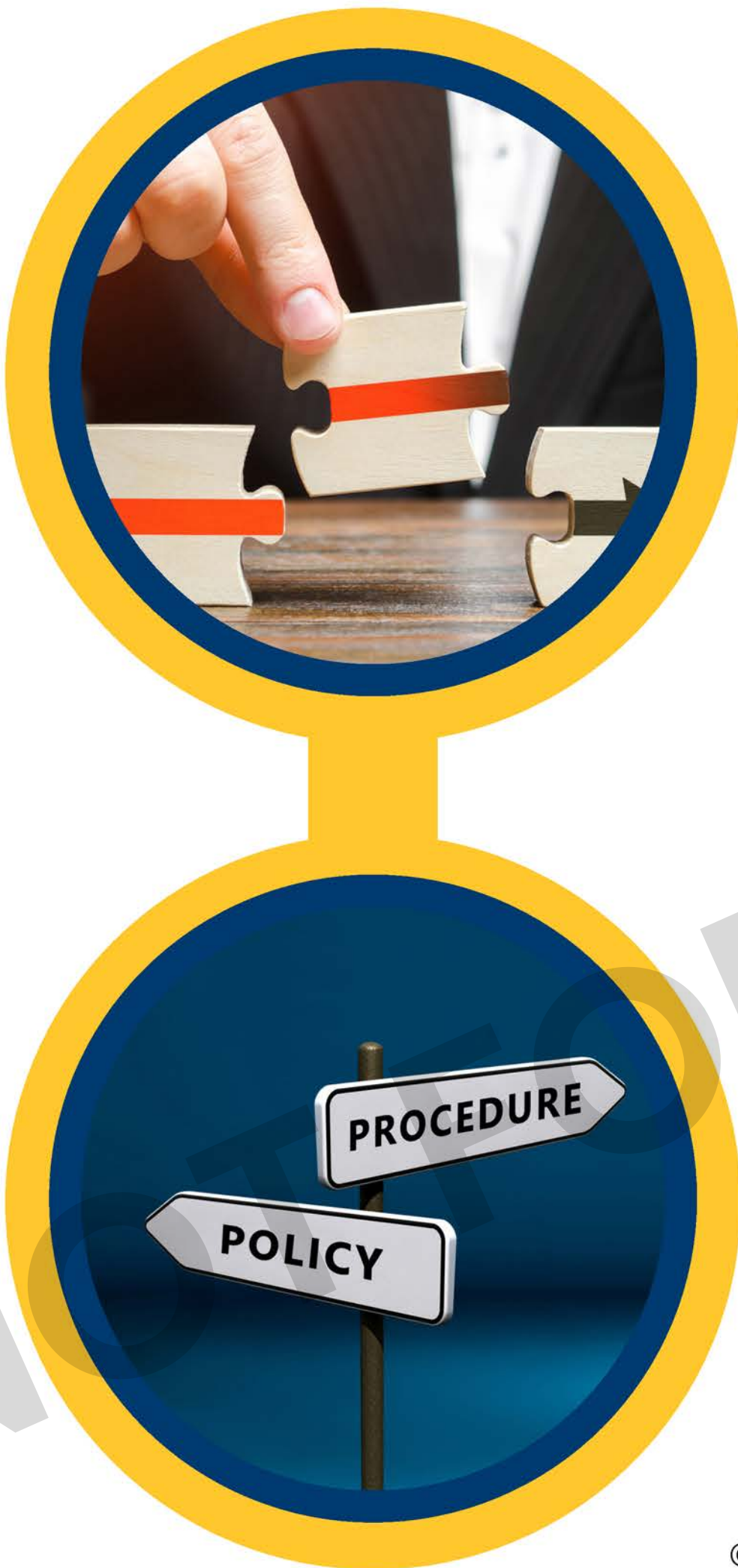
RETALIATION

- Retaliation prohibited in the regulations.
- Allegations of retaliation do not have to go through the Formal Grievance Process



POLICIES AND PROCEDURES

- Roadmap for your Title IX Team
- Roadmap for the parties
- Provides transparent expectations for school community
- **REQUIRED**



**Title IX Coordinator
Notification, Dissemination, and Publication Checklist
Section 106.8**

- ☐ **1. Prepare the following information related to Title IX Coordinator:**
 - Name OR Title
 - Office Address
 - E-mail Address
 - Telephone Number
- ☐ **2. Prepare the following notifications:**
 - The institution does not discriminate on the basis of sex
 - The institution is required by Title IX not to discriminate on the basis of sex
 - The requirement not to discriminate based on sex extends to admission and employment
 - Inquiries should be referred to Title IX Coordinator
- ☐ **3. Prepare the following:**
 - Institution's grievance procedures and process
 - How to report or file a complaint of sex discrimination
 - How to file a Formal Complaint of Sexual Harassment
 - How institution will respond to reports
- ☐ **4. Notify the following of the information in boxes 1-3:**
 - Applicants for admission and employment
 - Students
 - Employees
 - Unions or professional organizations with collective bargaining or professional agreements
- ☐ **5. Publish/promptly display the information in boxes 1-3:**
 - On website
 - In all handbooks/catalogs and make them available to those identified in box 4

Policies

COMMON POLICY DEFICIENCIES:

- Failure to fully provide all sexual harassment definitions.
- Missing one or both 10-day review periods
- Not user friendly
- Failure to provide timeframes for Formal Grievance Process

REMINDER!!!

There is conduct that does not require the Formal Title IX Grievance process but requires a response from your school or institution and falls under Title IX:



Gender-equity in athletics



Discrimination based on pregnancy



Failure to accommodate pregnant students

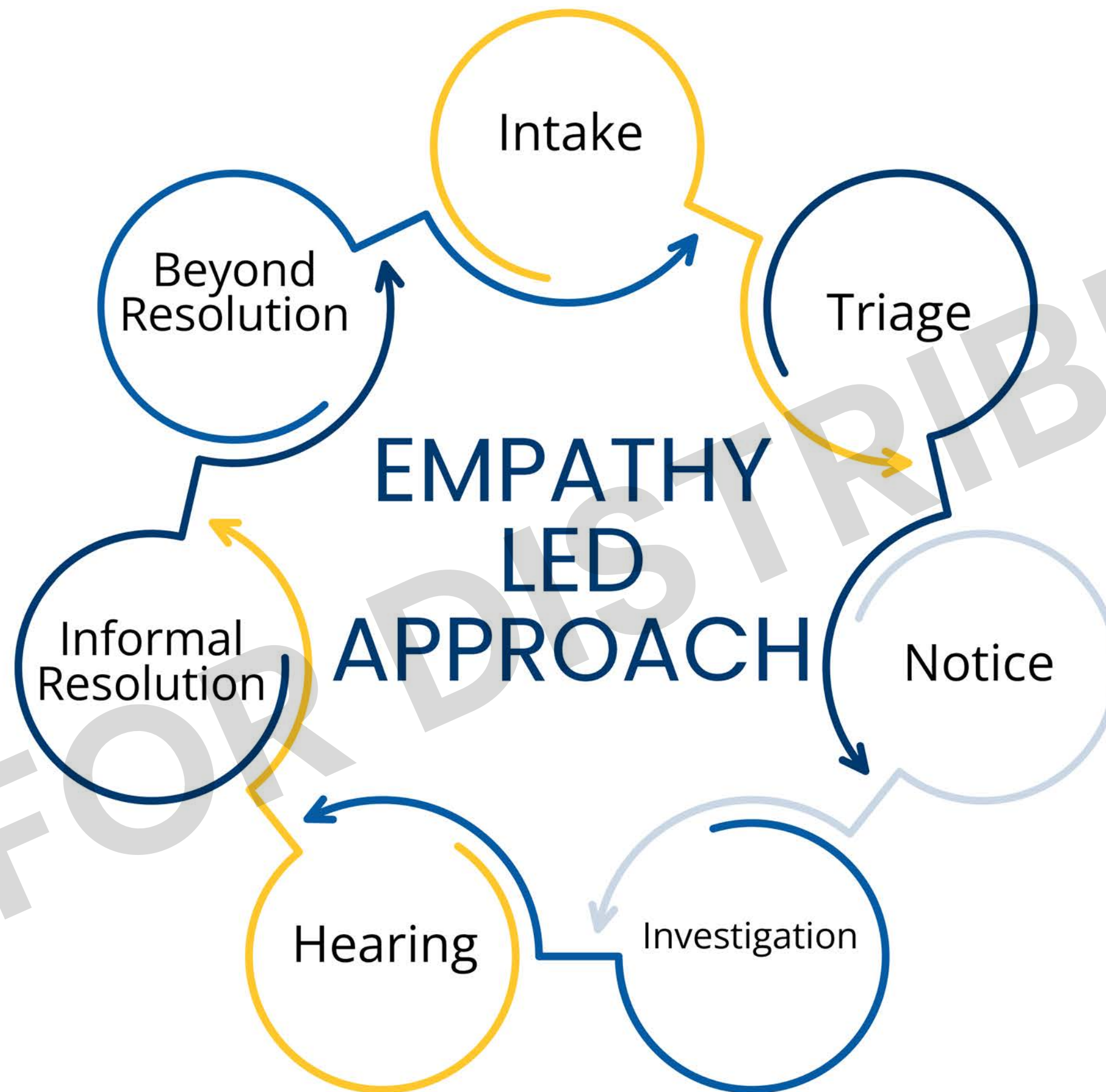


Discrimination based on "sex" that is not "sexual harassment" (i.e. teacher treating female students differently than male students").

**Do you have a policy/procedure for these matters?*

COMMON MISTAKES

- **Inefficient or insufficient notices**
 - advisors not copied
 - clinical v. empathy-led
- **Investigation prior to triage/evaluation**
- **Discipline outside of the Title IX process**
- **Inequitable treatment of parties**
 - overt and covert
 - often more supportive of complainant
- **Failure to follow policies/procedures**



INTAKE AND NOTICES



How is the information presented?

How can you streamline/simplify?

Consider flow charts, FAQs, etc.

Trying to mitigate information overload

COMMON MISTAKES

- Overcomplicated policies/process
- Lack of visibility of Title IX Coordinator
- Barriers to reporting that are unaddressed/not identified
- Failure to identify sexual harassment when overlapping conduct
- Lack of policy/process for matters under Title IX but outside of the 2020 Title IX regulations

Even the most established processes/seasoned administrators need regular re-evaluation

CONSIDER.....

- Just because you have always done it that way does not mean it is the best way now
- Blinders can result from it being something “you built”
- There is always room for improvement
- If you are solid on the Formal Title IX Grievance Process, increase focus on education and prevention
- Best practices/legal landscape/administrative enforcement continue to evolve

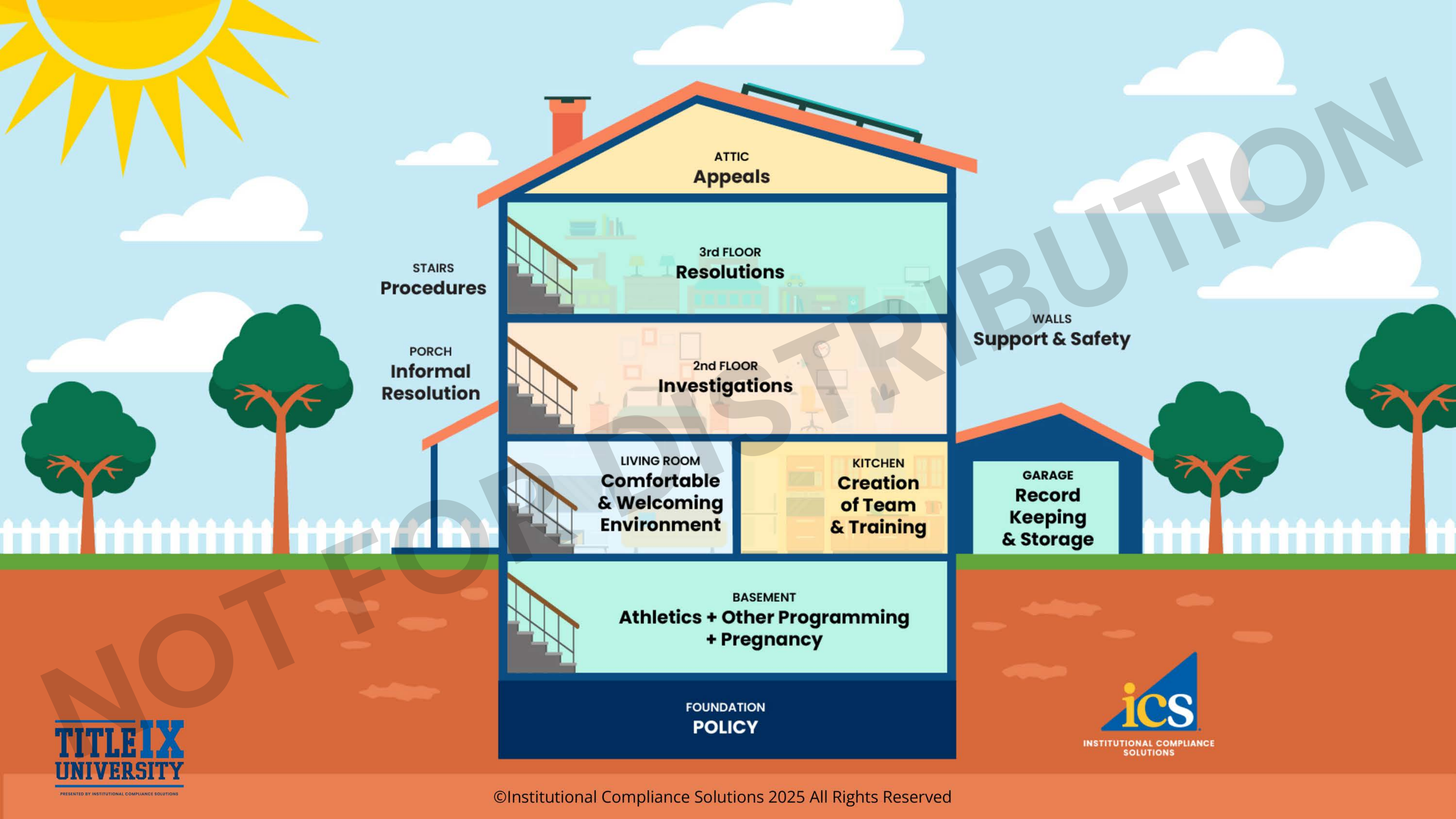


Help Us Help You



**Please fill out
the survey.**







INSTITUTIONAL COMPLIANCE
SOLUTIONS

COMPLIANCE CUL-DE-SAC

TITLE VI



TITLE IX



ADA



TITLE VII



IDEA



REMINDER!!!

- 👉 Use your templates and checklists
- 👉 Coordinators: Use the triage tool
- 👉 Recognize burn out/need to step away from the work/take a break
- 👉 Mistakes happen, cure in real time
- 👉 Sustainability planning is key

QUESTIONS?

Title IX Coordinator

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Join ICS for more Training and Connection



BECOME AN ICS COMMUNITY PARTNER



**CONTACT
US.**