

RESPONDING TO TITLE IX SEX DISCRIMINATION

Yorkville Community Unit School District No. 115 • August 20, 2024
Presented by: Jessica Nguyen

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Eisenhammer Rodick & Kohn

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AGENDA

- Title IX Overview: 2020-2024
- 2024 Title IX Regulations
- Terminology
- Title IX Roles
- Title IX Response & Grievance Process
- Pregnancy or Related Conditions
- Training Requirements
- Policy & Notice Requirements
- Recordkeeping
- Hypotheticals

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TITLE IX OVERVIEW: 2020-2024

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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 Act of 1972 – 20 U.S.C.A. § 1681

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2020: TITLE IX REGULATIONS

- May 2020: U.S. DOE released the final rule amending Title IX regulations (34 C.F.R. Part 106)
- Effective August 14, 2020
- Significant changes to the Title IX grievance process and the way schools responded to allegations of **sexual harassment** under Title IX
- Did not change Title IX rules or investigations of allegations not related to sexual harassment (e.g., athletic participation, employment, and single-sex education)

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2020: U.S. SUPREME COURT DECISION

- Bostock v. Clayton County**
 - Decision issued by U.S. Supreme Court in June 2020
 - Employment case under Title VII of the Civil Rights Act of 1964
 - In sum, Court held that discrimination “because of sex” as prohibited by Title VII encompasses discrimination based on sexual orientation and gender identity
 - “It is impossible to discriminate against a person” because of their sexual orientation or gender identity “without discriminating against that individual based on sex”

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2021: PRESIDENT BIDEN EXECUTIVE ORDER

- March 2021: President Biden issued an [Executive Order](#) entitled "Executive Order on Guaranteeing an Educational Environment Free from Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity"
- June 2021: U.S. DOE held a virtual public hearing on Title IX and whether the regulations require changes

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2021: U.S. DOE GUIDANCE

- [OCR Letter](#) to Students, Educators, and Other Stakeholders (April 2021)
- [OCR Notice of Interpretation](#) (June 2021)
 - OCR explained that it will enforce Title IX's prohibition on discrimination on the basis of sex against LGBTQ+ students to include (1) discrimination based on sexual orientation and (2) discrimination based on gender identity
- [Dear Educator Letter](#) and [Fact Sheet](#) (June 2021)
 - OCR will enforce Title IX to "prohibit discrimination based on sexual orientation and gender identity in educational programs and activities that receive federal financial assistance"
- [Questions and Answers](#) on the Title IX Regulations on Sexual Harassment (July 2021; updated June 2022)

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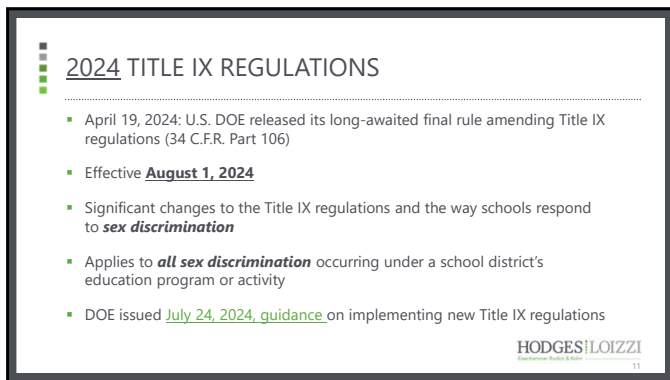
2022: PROPOSED CHANGES TO TITLE IX REGULATIONS

- June 2022: U.S. DOE announced proposed changes to Title IX regulations
- July 2022: Proposed regulations were published in the Federal Register, beginning the 60-day comment period
- 2023: Several delays in U.S. DOE releasing the final rule amending the Title IX regulations

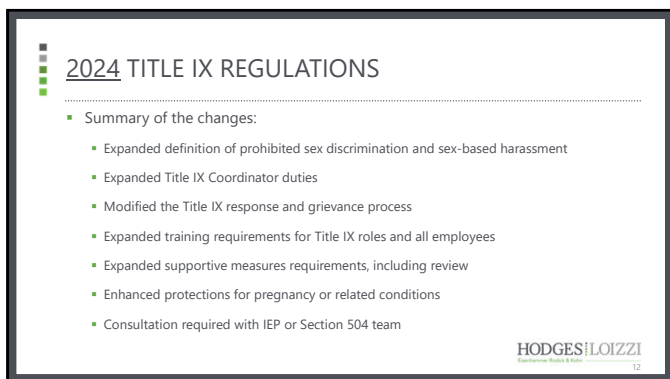
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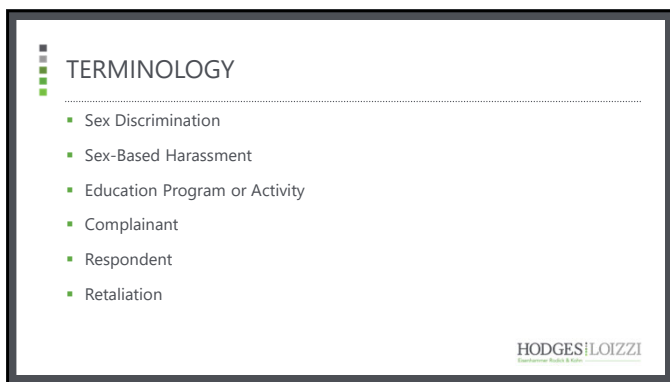
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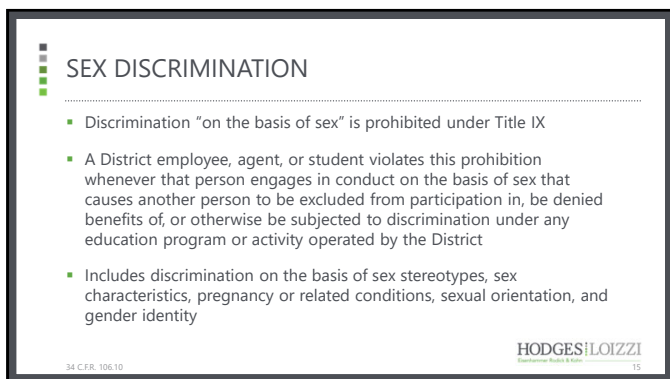
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SEX-BASED HARASSMENT

- Sexual harassment and other harassment on the basis of sex (including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity)
- (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

34 C.F.R. 106.2

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SEX-BASED HARASSMENT

- (2) **Hostile environment harassment:** Unwelcome sex-based conduct that, based on the **totality of the circumstances**, is **subjectively and objectively offensive and 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
- Fact-specific inquiry that includes consideration of the following:
 - (i) The degree to which the conduct affected the complainant's ability to access the District's education program or activity;
 - (ii) The type, frequency, and duration of the conduct;
 - (iii) 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;
 - (iv) The location of the conduct and the context in which the conduct occurred; and
 - (v) Other sex-based harassment in the District's education program or activity

34 C.F.R. 106.2

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SEX-BASED HARASSMENT

- (3) **Specific Offenses:** sexual assault, dating violence, domestic violence, or stalking as defined at 34 C.F.R. 106.2

34 C.F.R. 106.2

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EDUCATION PROGRAM OR ACTIVITY

- All operations of a school district
- Includes any academic, extracurricular, research, occupational training, or other education program or activity in the United States
- Also includes but is not limited to "conduct that is subject to the [District's] disciplinary authority"
- District also must address a *sex-based hostile environment* under its education program or activity, even when some conduct is alleged to be contributing to the hostile environment occurred outside the District's education program or activity, or outside the United States

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EDUCATION PROGRAM OR ACTIVITY

- *De Minimis Harm*
 - In the limited circumstances when Title IX permits different treatment or separation on the basis of sex, the District must not carry out such different treatment or separation in a manner that discriminates on the basis of sex by subjecting a person to more than *de minimis harm*
 - Adopting a policy or engaging in a practice that prevents a person from participating in an education program or activity consistent with the person's gender identity subjects a person to more than *de minimis harm* on the basis of sex

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COMPLAINANT

- A student or employee who is alleged to have been subjected to conduct that could constitute Title IX sex discrimination; or
- A person other than a student or employee who is alleged to have been subjected to conduct that could constitute Title IX sex discrimination and who was participating or attempting to participate in the District's education program or activity *at the time of the alleged sex discrimination*

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- 34 C.F.R. 106.2

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[illegible]

- 34 C.F.R. 106.2; 34 C.F.R. 106.71

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TITLE IX ROLES

- Title IX Coordinator
- Investigator
- Decisionmaker
- Appeal Decisionmaker
- Informal Resolution Facilitator
- Supportive Measures Impartial Employee
- Confidential Employee

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TITLE IX COORDINATOR

- District must designate and authorize at least one employee to coordinate the District's efforts to comply with Title IX
 - Must identify as the "Title IX Coordinator"; recommend adding to existing job title of designated employee(s) and reviewing job duties to ensure sufficient authority and time to carry out role
- District may have more than one Title IX Coordinator; if so, must designate one to retain ultimate oversight and ensure District's compliance with Title IX
- Title IX Coordinator can delegate specific duties to one or more designees
- Must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent
- Must be trained per 34 C.F.R. 106.8(d)(4)

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TITLE IX COORDINATOR

- Must monitor the District's education program or activity for barriers to reporting information about conduct that reasonably may constitute Title IX sex discrimination; and take steps reasonably calculated to address such barriers
- Must act promptly and effectively to end sex discrimination in the District's education program or activity, prevent its recurrence, and remedy its effects, when notified of conduct that reasonably may constitute Title IX sex discrimination
 - **Additional responsibilities discussed throughout training materials as they apply to steps in the Title IX Grievance Process**

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INVESTIGATOR

- The Title IX Coordinator or an individual designated by the Title IX Coordinator to investigate a sex discrimination complaint according to the Title IX Grievance Process
- Cannot serve as the Informal Resolution Facilitator for same complaint
- Must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent
- Must be trained per 34 C.F.R. 106.8(d)(2)

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DECISIONMAKER

- An individual designated by the Title IX Coordinator to make a written determination regarding whether sex discrimination occurred
- Cannot serve as the Informal Resolution Facilitator for same complaint
- Must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent
- Must be trained per 34 C.F.R. 106.8(d)(2)
- **Decisionmaker can be the same person as the Title IX Coordinator or Investigator** → single investigator/decisionmaker model

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APPEAL DECISIONMAKER

- An individual or group designated by the Title IX Coordinator that reviews an appeal of the determination regarding whether sex discrimination occurred, or a dismissal of a sex discrimination complaint
 - Administrator or Board
- Cannot have taken part in the investigation, determination, or dismissal of the complaint (or allegations), or served as the Informal Resolution Facilitator for the same complaint
- Must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent
- Must be trained per 34 C.F.R. 106.8(d)(2)

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INFORMAL RESOLUTION COORDINATOR

- An individual designated by the Title IX Coordinator to facilitate the District's informal resolution process
- Cannot be the same person as the Investigator or Decisionmakers for the same complaint
- Must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent
- Must be trained per 34 C.F.R. 106.8(d)(3)

34 C.F.R. 106.8(d)(3); 34 C.F.R. 106.44(b)(6); 34 C.F.R. 106.45(a)

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SUPPORTIVE MEASURES IMPARTIAL EMPLOYEE

- An individual designated by the Title IX Coordinator to review of the District's decision to provide, deny, modify, or terminate supportive measures
- Must be someone other than the employee who made the challenged decision and must have authority to modify or reverse the decision
- Must be trained per 34 C.F.R. 106.8(d)(2)

34 C.F.R. 106.8(d)(2); 34 C.F.R. 106.44(g)(4)

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CONFIDENTIAL EMPLOYEES

- An employee of the District whom the District has designated as confidential for the purpose of providing services to persons related to sex discrimination
 - If the employee also has a duty not associated with providing those services, the employee's confidential status is only with respect to information received about sex discrimination in connection with providing those services
- Recommendation: Do **not** designate any employee as "confidential employees" for Title IX purposes

34 C.F.R. 106.2; 34 C.F.R. 106.44(b)

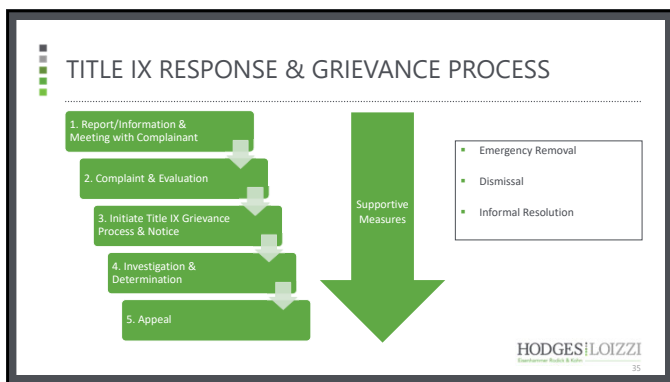
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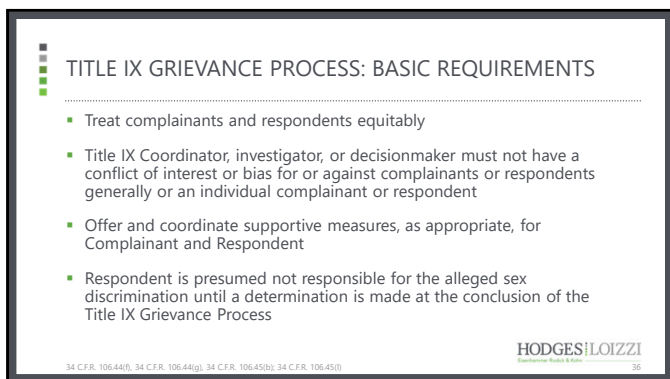
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TITLE IX GRIEVANCE PROCESS: BASIC REQUIREMENTS

- Comply with the Title IX Grievance Process before imposing disciplinary sanctions against Respondent for Title IX sex discrimination
- Following a determination that sex-based discrimination occurred:
 - Provide remedies, as appropriate, to Complainant (and other person the District identifies as having had their equal access to the District's education program or activity limited or denied by sex discrimination)
 - Implement, as appropriate, disciplinary sanctions on a Respondent

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TITLE IX GRIEVANCE PROCESS: BASIC REQUIREMENTS

- Establish reasonably prompt timeframes for the major stages of the Title IX Grievance Process
 - Major stages include: evaluation, investigation, determination, and appeal, if any
- Timeframes can be extended for good cause, on a case-by-case basis, with notice to the parties that includes the reason for the delay (*best practice*: written notice)
 - "Good cause" may include, but is not limited to: the unavailability of a party or a witness; concurrent law enforcement or other agency activity; or the need for language assistance or accommodation of disabilities

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TITLE IX GRIEVANCE PROCESS: BASIC REQUIREMENTS

- Objectively evaluate all relevant evidence—including both inculpatory and exculpatory evidence—that is not otherwise impermissible
 - Credibility determinations must not be based on a person's status as a complainant, respondent, or witness or sex stereotypes
- Exclude impermissible evidence, and questions seeking that evidence (i.e., must not be accessed or considered, except to determine whether an exception applies; must not be disclosed; and must not be otherwise used)

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TITLE IX GRIEVANCE PROCESS: BASIC REQUIREMENTS

- Take reasonable steps to protect the privacy of the parties and witnesses during the Title IX Grievance Process, provided that the steps do not restrict the ability of the parties to:
 - Obtain and present evidence, including by speaking to witnesses;
 - Consult with their family members, confidential resources, or advisors; or
 - Otherwise prepare for or participate in the Title IX Grievance Process

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TITLE IX GRIEVANCE PROCESS: BASIC REQUIREMENTS

- Make all determinations based on the *preponderance of the evidence* standard
 - Preponderance of the evidence: "The greater weight of the evidence, not necessarily established by the greater number of witnesses testifying to a fact but by evidence that has the most convincing force"
- Ensure training requirements are met at the time of hiring or change of position that alters an employee's Title IX duties and annually thereafter

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TITLE IX RESPONSE & GRIEVANCE PROCESS

- Report/Information & Meeting with Complainant
- Complaint & Evaluation
- Initiate Title IX Grievance Process & Notice
- Investigation & Determination
- Appeal

Supportive Measures

- Emergency Removal
- Dismissal
- Informal Resolution

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REPORT OF SEX DISCRIMINATION

- No specific requirements for reporting
- By any person, in any form, by any method, at any time; can be anonymous
 - Does not have to be by the alleged victim
- To Title IX Coordinator or **any** District employee
 - District employee must notify Title IX Coordinator of any conduct that reasonably may constitute Title IX sex discrimination

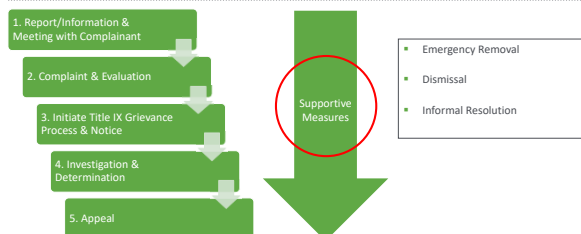
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TITLE IX COORDINATOR – RESPONSE TO ALLEGATIONS

- Upon notice of conduct that reasonably may constitute Title IX sex discrimination, Title IX Coordinator analyzes the allegation(s) to determine whether the conduct as alleged could constitute Title IX sex discrimination
 - If **NO**, Title IX Coordinator must consider whether action under another Board policy is required
 - If **YES**, Title IX Coordinator must promptly:
 - Contact Complainant (alleged victim) to offer and coordinate supportive measures
 - If a special ed student, consult with one or more members of IEP/504 team to determine how to comply with IDEA/Section 504 in the implementation of supportive measures
 - Notify Complainant of the Title IX Grievance Process, including the process for filing a Complaint and the informal resolution process (if available and appropriate)

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TITLE IX RESPONSE & GRIEVANCE PROCESS



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SUPPORTIVE MEASURES

- Purpose is to:
 - Restore or preserve Complainant's or Respondent's access to the District's education program or activity, including measures that are designed to protect the safety of the parties or the District's educational environment; or
 - Provide support during the District's Title IX Grievance Process, or during the informal resolution process
- To Complainant upon the Title IX Coordinator being notified of conduct that reasonably may constitute sex discrimination
- To Respondent if the District has initiated the Title IX Grievance Process, or has offered Respondent an informal resolution process

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SUPPORTIVE MEASURES

- Individualized measures offered as appropriate and as reasonably available as determined by the District
- Cannot unreasonably burden Complainant or Respondent
- Not for punitive or disciplinary reasons
- At no cost to Complainant or Respondent
- May, as appropriate, be modified or terminated at the conclusion of the Title IX Grievance process or at the conclusion of the informal resolution process, or the District may continue them beyond that point
- A party must be able to seek modification or termination of a supportive measure if circumstances change materially, and seek review of supportive measures

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SUPPORTIVE MEASURES

Examples

- | | |
|---|---|
| <ul style="list-style-type: none"> ■ Counseling services ■ Extensions of deadlines or other course-related adjustments ■ Modifications of work or class schedules ■ Hall escort ■ Mutual restrictions on contact between parties | <ul style="list-style-type: none"> ■ Leaves of absence ■ Increased supervision of certain school areas ■ Changes in class, work, extracurricular or other activity (regardless of if there is a comparable alternative) ■ Training and education programs related to sex-based harassment |
|---|---|

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SUPPORTIVE MEASURES

- District must not disclose information about any supportive measures to anyone other than the person to whom they apply
 - Unless it is necessary to provide the supportive measure or restore or preserve a party's access to the education program or activity, or as allowed under Title IX or by law
- If Complainant or Respondent is a student with a disability, the Title IX Coordinator must consult with one or more members of the student's IEP/504 team to determine how to comply with IDEA/Section 504 in the implementation of supportive measures for the student

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34 C.F.R. 106.2; 34 C.F.R. 106.44(f)(1)(i); 34 C.F.R. 106.44(g); 34 C.F.R. 106.45(f)(1)

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SUPPORTIVE MEASURES REVIEW

- District must provide Complainant and Respondent with a timely opportunity to seek modification or reversal of a decision to provide, deny, modify, or terminate supportive measures
- Review must be by an "appropriate and impartial employee"
- Impartial employee must be someone other than the employee who made the challenged decision and must have authority to modify or reverse the decision
- Impartial employee determines if the decision under review was inconsistent with the definition of supportive measures in Title IX

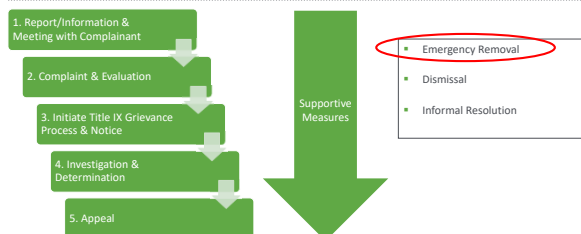
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34 C.F.R. 106.44(g)(4)

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TITLE IX RESPONSE & GRIEVANCE PROCESS



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EMERGENCY REMOVAL

- District *may* remove a Respondent from the District's education program or activity on an emergency basis, provided the District:
 - (1) Undertakes an individualized safety and risk analysis; and
 - (2) Determines that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons exists arising from the allegations of sex discrimination
- Must provide Respondent with notice and an opportunity to challenge the decision immediately following the removal (*best practice*: written notice)
- Considerations:
 - Interaction with SB 100 for Respondent-Student: Must follow 105 ILCS 5/10-22.6
 - Remember IDEA and Section 504 rights: Emergency removal can trigger "change of placement" for Respondent-Student
 - Placing Respondent-Employee on administrative leave during the pendency of the Title IX Grievance Process

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34 C.F.R. 106.44(h); 34 C.F.R. 106.44(i)

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TITLE IX RESPONSE & GRIEVANCE PROCESS

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graph TD
    A[1. Report/Information & Meeting with Complainant] --> B[2. Complaint & Evaluation]
    B --> C[3. Initiate Title IX Grievance Process & Notice]
    C --> D[4. Investigation & Determination]
    D --> E[5. Appeal]
    B --> SM[Supportive Measures]
    
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- Emergency Removal
- Dismissal
- Informal Resolution

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COMPLAINT

- An oral or written request to the District that objectively can be understood as a request for the District to investigate and make a determination about alleged Title IX discrimination
 - Can be in any form, by any method, at any time
- By Complainant; parent/guardian/other authorized legal representative; or Title IX Coordinator
- For sex discrimination other than sex-based harassment*: Complaint also can be filed by any student or employee, or any person who was participating or attempting to participate in the District's education program or activity at the time of the alleged sex discrimination

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34 C.F.R. 106.2; 34 C.F.R. 106.45(a)(2)

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COMPLAINT EVALUATION

- When a Title IX Complaint is filed, the Title IX Coordinator must evaluate whether to investigate or dismiss the Complaint
 - In evaluating the Complaint, the Title IX Coordinator must analyze the allegations to determine whether the conduct as alleged could constitute Title IX sex discrimination and whether any of the bases for dismissal apply
- Where Title IX Coordinator reasonably determines the conduct as alleged **could** constitute Title IX sex discrimination, must initiate the Title IX Grievance Process
- Where Title IX Coordinator reasonably determines the conduct as alleged **would not** constitute Title IX sex discrimination, must dismiss the Complaint, or allegation(s)
- PRESS 2:265-AP2 = evaluation of Complaint within 10 school business days

34 C.F.R. §106.450(i)(4)

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COMPLAINT INITIATION BY TITLE IX COORDINATOR

- If no Complaint is filed, Title Coordinator must determine whether to initiate a Complaint of sex discrimination under the Title IX Grievance Process
- Fact-specific inquiry; must consider at minimum:
 - (1) Complainant's request not to proceed with initiation of a Complaint;
 - (2) Complainant's reasonable safety concerns regarding initiation of a Complaint;
 - (3) Risk that additional acts of sex discrimination would occur if a Complaint is not initiated;
 - (4) Severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;

34 C.F.R. 106.44(g)

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COMPLAINT INITIATION BY TITLE IX COORDINATOR

- (5) Age and relationship of the parties, including whether Respondent is an employee;
- (6) Scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
- (7) Availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
- (8) Whether the District could end the alleged sex discrimination and prevent its recurrence without initiating the Title IX Grievance Process

34 C.F.R. 106.44(g)

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COMPLAINT INITIATION BY TITLE IX COORDINATOR

- If the Title IX Coordinator determines the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as alleged prevents the District from ensuring equal access on the basis of sex to its education program or activity, the Title IX Coordinator *may* initiate a complaint
- If the Title IX Coordinator initiates a complaint, must notify the Complainant prior to doing so and appropriately address reasonable concerns about the Complainant's safety or the safety of others, including by providing supportive measures
- Regardless of whether a Complaint is initiated, take other appropriate prompt and effective steps, in addition to steps necessary to effectuate the remedies provided to an individual Complainant, if any, to ensure that sex discrimination does not continue or recur within the recipient's education program or activity

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TITLE IX RESPONSE & GRIEVANCE PROCESS

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DISMISSAL

- Title IX Coordinator may dismiss a complaint of sex discrimination, or any allegations contained in it, for any of the following reasons:
 - (1) District is unable to identify the Respondent after taking reasonable steps to do so;
 - (2) Respondent is no longer enrolled or employed by the District;
 - (3) Complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, *and* the Title IX Coordinator determines any remaining allegations would not constitute Title IX sex discrimination even if proven;
 - (4) Title IX Coordinator determines the alleged conduct, even if proven, would not constitute Title IX sex discrimination; Title IX Coordinator must make reasonable efforts to clarify the allegations with Complainant

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- Upon dismissal, Title IX Coordinator must promptly notify Complainant of the basis for the dismissal and the right to appeal the dismissal (*best practice*: written notice)
- If the dismissal occurs after Respondent has been notified of the allegations, the Title IX Coordinator must simultaneously notify Respondent of the dismissal, its basis, and the right to appeal the dismissal (*best practice*: written notice)
- Upon dismissal, the Title IX Coordinator also must:
 - Offer supportive measures to Complainant, as appropriate;
 - Offer supportive measures to Respondent, as appropriate; if Respondent has been notified of the allegations and the dismissal was because the Title IX Coordinator determined the alleged conduct, even if proven, would not constitute Title IX sex discrimination (reasons #3 and #4 on previous slide);
 - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the District's education program or activity

34 C.F.R. 106.45(d); 34 C.F.R. 106.46(i)(1)

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    A[1. Report/Information & Meeting with Complainant] --> B[2. Complaint & Evaluation]
    B --> C[3. Initiate Title IX Grievance Process & Notice]
    C --> D[4. Investigation & Determination]
    D --> E[5. Appeal]
  
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1. Report/Information & Meeting with Complainant
2. Complaint & Evaluation
3. Initiate Title IX Grievance Process & Notice
4. Investigation & Determination
5. Appeal

Supportive Measures

- Emergency Removal
- Dismissal
- Informal Resolution

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- Upon the receipt of a Complaint where the Title IX Coordinator reasonably determines the conduct as alleged could constitute Title IX sex discrimination, or filing of a Title IX Complaint by the Title IX Coordinator, the Title IX Coordinator:

- Upon the receipt of a Complaint where the Title IX Coordinator reasonably determines the conduct as alleged could constitute Title IX sex discrimination, or filing of a Title IX Complaint by the Title IX Coordinator, the Title IX Coordinator:
 - Initiates the Title IX Grievance Process
 - Contacts Respondent (accused) to offer and coordinate supportive measures
 - If a special ed student, consult with one or more members of IEP/504 team to determine how to comply with IDEA/Section 504 in the implementation of supportive measures
 - Notifies Respondent of the Title IX Grievance Process and informal resolution process (if available and appropriate)
 - If Complainant and/or Respondent is a special ed student, consult with one or more members of IEP/504 team to determine how to comply with IDEA/Section 504 throughout the Grievance Process

34 C.F.R. 106.44(f); 34 C.F.R. 106.44(g); 3-

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INITIATE GRIEVANCE PROCESS & NOTICE

- Must provide notice of the allegations to the parties (*best practice*: written notice), including:
 - Title IX Grievance Process, and any informal resolution process
 - Sufficient information available at the time to allow the parties to respond to the allegations; including: (1) the identities of the parties involved, (2) the conduct alleged to constitute Title IX sex discrimination, and (3) date(s) and location(s) of the alleged incident(s)
 - Retaliation is prohibited; and
 - Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence; if the District provides a description of the evidence, the parties are entitled to an equal opportunity to access to the relevant and not otherwise impermissible evidence upon the request of any party

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34 C.F.R. §106.45(c)

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INITIATE GRIEVANCE PROCESS & NOTICE

- If Title IX Coordinator appoints a qualified investigator, provide notice of the appointment (*best practice*: written notice); can include in notice letter
- Provide a second notice (*best practice*: written notice) to all known parties if, during the investigation, the District decides to investigate allegations not included in the first notice
- Unknown Parties
 - If Complainant, the Title IX Grievance Process *may* proceed if the Title IX Coordinator determines it is necessary to initiate a Complaint, even though the notice will not include Complainant's identity
 - If Respondent, the Title IX Grievance Process *must* proceed because an investigation might reveal Respondent's identity, even though the notice will not include Respondent's identity
 - If a party's identity is later discovered, the Title IX Coordinator must provide another notice to the parties (*best practice*: written notice)

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34 C.F.R. §106.45(c)

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INITIATE GRIEVANCE PROCESS & NOTICE

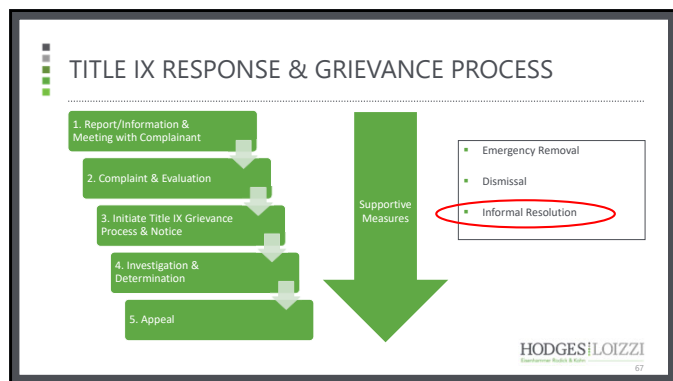
- Consolidation of Title IX Complaints
 - When the allegations of sex discrimination arise out of the same facts or circumstances, the Title IX Coordinator *may* consolidate Title IX Complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party

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34 C.F.R. §106.45(e)

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INFORMAL RESOLUTION

- Not defined; may encompass a broad range of conflict resolution strategies, for example: arbitration, mediation/peer mediation, restorative justice
- May be offered to Complainant and Respondent *at any time prior to* determining whether sex discrimination occurred under the Title IX Grievance Process
- District has discretion to determine when appropriate to offer—and may decline to offer despite one or more of the parties' wishes
- Cannot be offered if Complaint includes allegations that an employee engaged in sex-based harassment of a student (or the process would conflict with the law)

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INFORMAL RESOLUTION

- Cannot require parties to consent to informal resolution as a condition of employment or enrollment; must be voluntary by the parties
- Typically, suspends/pauses the Title IX Grievance Process
 - If fails or stalls, promptly resume Title IX Grievance Process
- If offered, Title IX Coordinator must take other appropriate prompt and responsible steps to ensure sex discrimination does not continue or recur within the District's education program or activity

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INFORMAL RESOLUTION

- Notice to both parties (*best practice*: written notice), including:
 - Allegations;
 - Informal resolution process requirements;
 - Prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and initiate or resume the Title IX Grievance Process;
 - Resolution agreement precludes the parties from initiating or resuming the Title IX Grievance Process arising from the same allegations;
 - Potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties;
 - Information the District will maintain and whether and how the District could disclose such information for use in the Title IX Grievance Process, if initiated or resumed

34 C.F.R. 106.44(i); 34 C.F.R. 106.45(i)

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INFORMAL RESOLUTION

- Before initiating informal resolution, obtain voluntary consent from parties (*best practice*: written consent)
- Any agreement reached should be documented
 - Typically, only binding on the parties
 - Ideally, parties will sign the agreement or provide some other form of written confirmation
 - Settlement agreements typically are not required unless attorneys are involved and resolving legal claims

34 C.F.R. 106.44(i); 34 C.F.R. 106.45(i)

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TITLE IX RESPONSE & GRIEVANCE PROCESS

- Report/Information & Meeting with Complainant
- Complaint & Evaluation
- Initiate Title IX Grievance Process & Notice
- Investigation & Determination
- Appeal

Supportive Measures

- Emergency Removal
- Dismissal
- Informal Resolution

34 C.F.R. 106.44(i); 34 C.F.R. 106.45(i)

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INVESTIGATION & DETERMINATION

- District must provide for adequate, reliable, and impartial investigation
 - Must carry out investigation impartially, without prejudgment or bias about the facts at issue or the parties, or generally about complainants or respondents
 - Must not rely on sex stereotypes
 - Cannot let personal relationships influence investigation
- Decisionmaker can be the same person as the Title IX Coordinator or Investigator** → single investigator/decisionmaker model
- PRESS 2:265-AP2 = investigation and determination within 30 school business days

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34 C.F.R. 106.45(b)(2); 34 C.F.R. 106.45(b)(4); 34 C.F.R. 106.45(f)

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INVESTIGATION

- Ensure the burden of gathering sufficient evidence to determine whether sex discrimination occurred is on the District and not the parties
- Provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible
- Review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance

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34 C.F.R. 106.45(f)

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RELEVANT

- Related to the allegations of sex discrimination under investigation as part of the Title IX Grievance Process
- Evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred
- Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred

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34 C.F.R. 106.2

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IMPERMISSIBLE EVIDENCE

- Evidence that must not be accessed or considered (except by the District to determine whether an exception applies), disclosed, or otherwise used, regardless of whether it is relevant, when it is:
 - (1) legally privileged information (e.g., attorney-client privilege; doctor-patient privilege), unless the privilege is voluntarily waived;
 - (2) a party's or witness's records made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to a party or witness, unless voluntary, written consent is provided; and
 - (3) evidence that relates to Complainant's sexual interests or prior sexual conduct, unless such evidence is offered to prove that someone other than Respondent committed the alleged conduct or to prove consent to the alleged sex-based harassment
 - The fact of prior consensual sexual conduct between Complainant and Respondent does not by itself demonstrate or imply Complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred

34 C.F.R. 106.45 (b)(7)(D)-(E)

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INVESTIGATION

- Provide parties an equal opportunity to access evidence that is relevant to the allegation(s) of sex discrimination and not otherwise impermissible **or** an accurate description of the evidence
 - If a description of the evidence is provided, the parties must be provided an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party
- Provide the parties a reasonable opportunity to respond to the evidence or to the accurate description of the evidence
 - No timeline specified for parties' review or response; recommend set deadline
- Take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the Title IX Grievance Process

34 C.F.R. 106.45(f)

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INVESTIGATION

- If the single investigator/decisionmaker model is **not** used and a different person serves as the decisionmaker, the decisionmaker must have an opportunity to question the parties and witnesses to adequately assess credibility

34 C.F.R. 106.45(g)

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■ ■ ■ INVESTIGATION BEST PRACTICES: GENERAL
■ ■ ■ GUIDELINES FOR INTERVIEWS

- Review the allegations in the initial report and Complaint
- Consider writing out questions or interview target topics prior to the interview
- Take your time during the interview
- Take notes during the interview; inform interviewees that you will be taking notes; consider having separate notetaker
- Do not audio or video record interviews
- Take note of the interviewee's mannerisms

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■ ■ ■ INVESTIGATION BEST PRACTICES: GENERAL
■ ■ ■ GUIDELINES FOR INTERVIEWS

- Complainant usually the first interview; Respondent usually the last interview
 - Follow up with Complainant, Respondent, or witnesses, if necessary
- Let witnesses know they are not the target of the investigation
- Consider whether any precautions need to be taken during the investigation; if any additional supportive measures to put in place for parties
- Advise to contact Title IX Coordinator if any further incidents occur, or if any questions/concerns or if retaliation

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■ ■ ■ INVESTIGATION BEST PRACTICES: GENERAL
■ ■ ■ GUIDELINES FOR INTERVIEWS

- Start with open-ended questions to obtain what the interviewee knows
 - Follow up with specific questions about what was stated by Complainant, Respondent, and witnesses
 - Ask why reporting or why think reporting the allegations; ask why deny the allegations
- Obtain sufficient details for each relevant incident, including:
 - Date and time
 - Location
 - Who was present
 - A detailed description of what occurred
 - Reaction(s) to the incident
- Request documentation or other supporting evidence

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DETERMINATION

- Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the investigator/decisionmaker must:
 - Base all decisions on the *preponderance of evidence* standard
 - Notify the parties *in writing* of the determination regarding whether Title IX sex discrimination occurred; the written decision must include:
 - Rationale for the determination, and
 - Permissible bases for Complainant and Respondent to appeal

34 C.F.R. 106.45(h)

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DETERMINATION

- Evaluating the Evidence
 - Review all relevant and not otherwise impermissible evidence from the investigation
 - Consider whether there is a pattern of conduct that would tend to support the allegations
 - Do not end the inquiry simply because no corroborating evidence can be found
 - Make reasoned conclusions as to the evidence, including making reasoned judgments as to the parties' credibility
 - Must do so impartially, without prejudice or bias about the facts at issue or the parties, or generally about complainants or respondents
 - Must not rely on sex stereotypes
 - Cannot let personal relationships influence evaluation of evidence
 - Apply preponderance of the evidence standard

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DETERMINATION

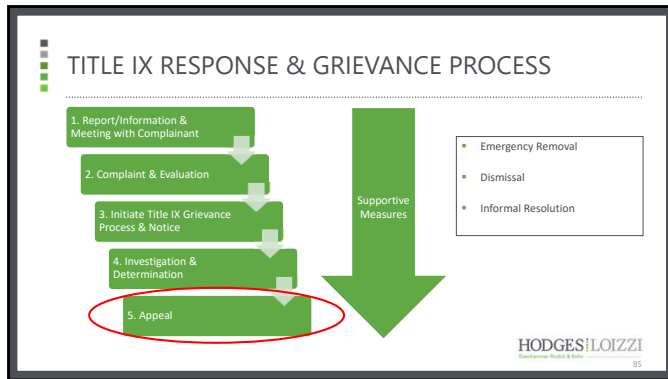
- If there is a determination that sex discrimination occurred, Title IX Coordinator must:
 - Remedies: Coordinate the implementation for Complainant (and other persons identified as having had equal access to the District's education program or activity limited or denied by sex discrimination)
 - Disciplinary Sanctions: Coordinate the implementation for Respondent
 - Up to and including discharge for an employee-Respondent; expulsion for a student-Respondent; and termination of any existing contracts and/or prohibition from District property and activities for a third-party Respondent
 - Notify Complainant of any such disciplinary sanctions
 - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the District's education program or activity

34 C.F.R. 106.2; 34 C.F.R. 106.45(h)

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APPEAL

- Must offer appeal to both parties for dismissal of a Title IX Complaint, or allegations therein, and determination whether sex discrimination occurred
- 3 bases for appeal:
 - Procedural irregularity that affected the outcome
 - New evidence now available that could affect the outcome but that was not reasonably available at the time of the determination
 - Title IX Coordinator or Investigator/Decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that affected the outcome.

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APPEAL

- Title IX Coordinator, upon receipt of an appeal:
 - Notifies parties an appeal has been filed (including notice of the allegations, if not previously provided to Respondent) (*best practice*: written notice)
 - Provides parties with a reasonable and equal opportunity to submit a statement in support of, or challenging, the outcome
 - Implements appeal procedures equally for both parties
- Once the appeal is decided, Title IX Coordinator must notify the parties of the result of the appeal and the rationale for the result (*best practice*: written notice)

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APPEAL

- Evaluating the Appeal
 - Review all materials relevant to the appeal, including:
 - Appeal of dismissal or written determination; notice of appeal; written statements by parties (if any) in support of, or challenging, the outcome subject to appeal; dismissal written notice or written determination; all relevant evidence
 - Make reasoned conclusions, including as to the bases for appeal and relevant evidence
 - Must do so impartially, without prejudice or bias about the facts at issue or the parties, or generally about complainants or respondents
 - Must not rely on sex stereotypes
 - Cannot let personal relationships influence evaluation of appeal
 - Apply preponderance of the evidence standard

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APPEAL

- PRESS 2:265-AP2 timelines:
 - 5 school business days for filing an appeal with the Title IX Coordinator by the Complainant or Respondent after receipt of the notice of the determination or the notice of dismissal
 - 5 school business days after notification of the appeal for a party to submit a written statement and/or new evidence in support of, or challenging, the outcome to the Title IX Coordinator
 - 30 school business days for the Appeal Decisionmaker to make its decision
 - 5 school business days after the Appeal Decisionmaker's decision to notify the parties of the result of the appeal and the rationale for the result

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34 C.F.R. 106.45(d)(3); 34 C.F.R. 106.45(i); 34 C.F.R. 106.46(i)(1)

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PREGNANCY OR RELATED CONDITIONS

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PREGNANCY OR RELATED CONDITIONS

- (1) Pregnancy, childbirth, termination of pregnancy, or lactation;
- (2) Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
- (3) Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions

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PREGNANCY OR RELATED CONDITIONS – STUDENTS

- District cannot discriminate in its education program or activity against any student based on the student's current, potential, or past pregnancy or related conditions
 - District must respond to any such allegations using the same Title IX Grievance Process
- When informed by student, or a person who has the legal right to act on behalf of the student, of the student's pregnancy or related conditions, the employee must:
 - Provide the Title IX Coordinator's contact information; and
 - Notify that the Title IX Coordinator coordinates the District's actions to prevent sex discrimination and ensure the student's equal access to the District's education program or activity

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PREGNANCY OR RELATED CONDITIONS – STUDENTS

- Upon notification of a student's pregnancy or related conditions, Title IX Coordinator must:
 - Inform the student and, if applicable, the person who has the legal right to act on behalf of the student, of the:
 - Student's right to be free from discrimination based on their status;
 - District's obligations under Title IX; and
 - District cannot disclose personally identifiable information about the student (unless an exception applies)
 - Provide a copy of the District's notice of nondiscrimination

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PREGNANCY OR RELATED CONDITIONS – STUDENTS

- Upon notification of a student's pregnancy or related conditions, the Title IX Coordinator also must:
 - Offer reasonable modifications to the District's policies, practices, or procedures
 - Allow student to voluntarily access any separate, comparable portion of the District's education program or activity
 - Allow student to voluntarily take a leave of absence, for the period of time, at a minimum, deemed medically necessary by the student's licensed healthcare provider
 - When student returns, must be reinstated to the academic status and, as practicable, to the extracurricular status held when the voluntary leave began
 - Ensure availability of a lactation space that is clean, shielded from view, and free from interruption; not a bathroom

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PREGNANCY OR RELATED CONDITIONS – STUDENTS

- Reasonable Modifications
 - Must be based on the student's individual needs and must consult with the student
 - If the modification would fundamentally alter the nature of the District's education program or activity, it is not reasonable

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PREGNANCY OR RELATED CONDITIONS – STUDENTS

Examples of Reasonable Modifications

- | | | |
|--|---|--|
| ▪ Breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom | ▪ Access to online or homebound education | ▪ Counseling |
| ▪ Intermittent absences to attend medical appointments | ▪ Changes in schedule or course sequence | ▪ Changes in physical space or supplies (for example, access to a larger desk or a footrest) |
| | ▪ Extensions of time for coursework and rescheduling of exams | ▪ Elevator access |
| | ▪ Allowing a student to sit or stand, or carry or keep water nearby | ▪ Other changes to policies, practices, or procedures |

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PREGNANCY OR RELATED CONDITIONS – STUDENTS

- Cannot require supporting documentation from student for modifications, access to separate/comparable program, voluntary leave of absence, or lactation space, **unless** the documentation is necessary and reasonable for the District to carry out its obligations
- Must treat pregnancy or related conditions in the same manner as other temporary medical conditions
- Cannot require student to provide certification from a healthcare provider or other person that the student is physically able to participate in a class, program, or extracurricular activity, unless required for all students

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PREGNANCY OR RELATED CONDITIONS – EMPLOYEES

- District cannot discriminate against any employee or applicant on the basis of current, potential, or past pregnancy or related conditions
- Must treat pregnancy or related conditions the same as other temporary medical conditions for all job-related purposes and under any fringe benefit
 - For example: leaves, payment of disability income, accrual of seniority and any other benefit or service, and reinstatement

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PREGNANCY OR RELATED CONDITIONS – EMPLOYEES

- Must allow a voluntary, unpaid leave of absence for a reasonable period of time – *if* the District does not maintain a leave policy or the employee has insufficient leave under the policy or does not qualify for other leaves
- Must be reinstated to the status held when the leave began or to a comparable position, without decrease in pay or loss of promotional opportunities, or any other right or privilege of employment

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PREGNANCY OR RELATED CONDITIONS – EMPLOYEES

- Lactation Time and Space
 - Must provide reasonable break time for an employee to express breast milk or breastfeed as needed
 - Must ensure that an employee can access a lactation space, which must be a space other than a bathroom that is clean, shielded from view, free from intrusion from others, and may be used by an employee for expressing breast milk or breastfeeding as needed

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34 C.F.R. 106.57

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PREGNANCY OR RELATED CONDITIONS – POSSIBLE CONFLICTING OR OVERLAPPING LAWS

Students	Employees
<ul style="list-style-type: none"> Home/hospital instruction requirements for medical condition School Code provisions for home instruction for pregnant students School Code provisions for breastfeeding accommodations for students School Code prohibits sex discrimination, including based on actual/potential marital or parental status, including pregnancy Illinois Human Rights Act 	<ul style="list-style-type: none"> Illinois Human Rights Act Pump for Nursing Mothers Act (Pump Act) Pregnant Workers Fairness Act (PWFA) American with Disabilities Act Family and Medical Leave Act Pregnancy Discrimination Act Collective Bargaining Agreement

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34 C.F.R. 106.40; 34 C.F.R. 106.57; 34 C.F.R. 106.60

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FAMILY STATUS

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FAMILY STATUS

- Student: District cannot adopt or implement any policy, practice, or procedure concerning a student's current, potential, or past parental, family, or marital status that treats students differently on the basis of sex
- Employee/Applicant: District cannot adopt or implement any policy, practice, or procedure, or take any employment action, on the basis of sex:
 - (1) Concerning the current, potential, or past parental, family, or marital status of an employee or applicant for employment, which treats persons differently; or
 - (2) That is based upon whether an employee or applicant for employment is the head of household or principal wage earner in such employee's or applicant's family unit

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34 C.F.R. 106.40, 34 C.F.R. 106.57103

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FAMILY STATUS


- Pre-Employment Inquiries
 - Marital Status: District cannot make a pre-employment inquiry as to the marital status of an applicant for employment, including whether such applicant is "Miss or Mrs."
 - Sex: District may ask an applicant for employment to self-identify their sex, but only if this question is asked of all applicants and if the response is not used as a basis for discrimination prohibited by Title IX

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34 C.F.R. 106.60104

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TRAINING REQUIREMENTS



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TRAINING REQUIREMENTS

- Individuals must receive training related to their Title IX duties promptly upon hiring or change of position that alters their duties under Title IX
- Annual training now required
- Training must not rely on sex stereotypes

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TRAINING – ALL EMPLOYEES

- The District's obligation to address sex discrimination in its education program or activity;
- The scope of conduct that constitutes Title IX sex discrimination, including the definition of sex-based harassment;
- The employee's responsibility to notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute Title IX sex discrimination;*** and
- The employee's responsibility when a student or the student's parent/guardian informs the employee of the student's pregnancy or related conditions, to promptly provide that person with the Title IX Coordinator's contact information and inform that person of the Title IX Coordinator's role

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TRAINING – GRIEVANCE PROCESS ROLES

- Applies to investigators, decisionmakers, any supportive measures impartial employee, and any other employee who is responsible for implementing the Title IX Grievance Process
- Must complete the ***all-employee training, and*** training on:
 - The District's obligations in responding to Title IX sex discrimination;
 - The District's Title IX Grievance Process;
 - How to perform Title IX role impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and
 - Evidentiary issues (relevance; impermissible evidence) under the Title IX Grievance Process

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TRAINING – INFORMAL RESOLUTION FACILITATOR

- Must complete the **all-employee training, and** training on:
 - Rules and practices associated with the District’s informal resolution process(es); and
 - How to perform Title IX role impartially, including by avoiding conflicts of interest and bias

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TRAINING – TITLE IX COORDINATOR

- Must complete the **all of the above trainings, and** training on:
 - Responsibilities specific to the Title IX Coordinator (as expanded under the 2024 Title IX regulations);
 - The District’s recordkeeping system and the Title IX recordkeeping requirements;
 - Any other training necessary to coordinate the District’s compliance with Title IX

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POLICY & NOTICE REQUIREMENTS

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■ NONDISCRIMINATION POLICY &
■ GRIEVANCE PROCEDURES

- Must adopt, publish, and implement:
 - A policy stating the District does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates
 - Grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in the District's education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX

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 Insurance Broker & Claims Adjuster

34 C.F.R. 106.8(b)

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NOTICE OF POLICY AND PROCEDURES

- Must provide notice of nondiscrimination policy and grievance procedures to:
 - Students
 - Parents, guardians, or other authorized legal representatives of students
 - Employees
 - Applicants for employment
 - All unions and professional organizations holding collective bargaining or professional agreements with the District

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Executive Search & Staffing

34 C.F.R. 106.8(c)

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NOTICE OF POLICY AND PROCEDURES

- Notice must include:
 - Statement that the District does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates;
 - Statement that inquiries about the application of Title IX to the District may be referred to the District's Title IX Coordinator, the Office for Civil Rights, or both;
 - Name or title, office address, email address, and telephone number of the District's Title IX Coordinator;
 - How to locate the District's nondiscrimination policy and grievance procedures
 - How to report information about conduct that may constitute Title IX sex discrimination
 - How to make a complaint of sex discrimination

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34 C.F.R. 106.8(c)(1)

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NOTICE OF POLICY AND PROCEDURES

- Must post notice of nondiscrimination on website and in each handbook, catalog, announcement, bulletin, and application
 - Or may include a statement that the District prohibits sex discrimination in any education program or activity that it operates and that individuals may report concerns or questions to the Title IX Coordinator, and provide the location of the notice on the website
- Must not use or distribute a publication stating that the District treats applicants, students, or employees differently on the basis of sex, except as such treatment is permitted by Title IX

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NOTICE OF POLICY AND PROCEDURES

- PRESS Policy and Administrative Procedures
 - 2:265, Title IX Grievance Procedure (rewritten)
 - 2:265-AP1, Title IX Response (rewritten)
 - 2:265-AP2, Title IX Complaint Grievance Process (rewritten)
 - 2:265-AP3, Title IX Coordinator (new)
 - 2:265-E, Title IX Glossary of Terms (rewritten)

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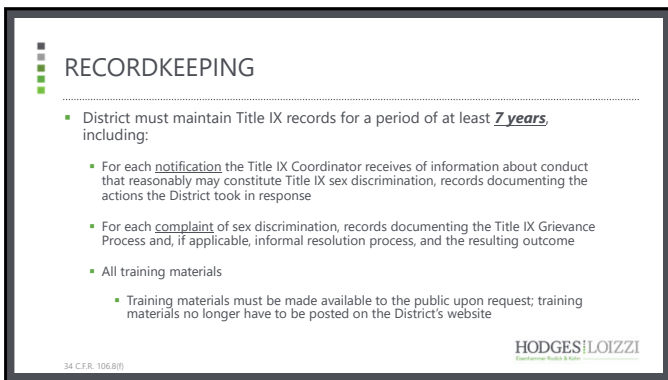
NOTICE OF POLICY AND PROCEDURES

- Other Relevant Board Policies
 - 2:260, Uniform Grievance Procedure
 - 5:10, Equal Employment Opportunity
 - 5:20, Workplace Harassment Prohibited
 - 5:90, Abused and Neglected Child Reporting
 - 5:120, Employee Ethics; Conduct; and Conflict of Interest
 - 7:10, Equal Educational Opportunities
 - 7:20, Harassment of Students Prohibited
 - 7:180, Prevention of and Response to Bullying, Intimidation, and Harassment
 - 7:185, Teen Dating Violence Prohibited
 - 7:190, Student Behavior

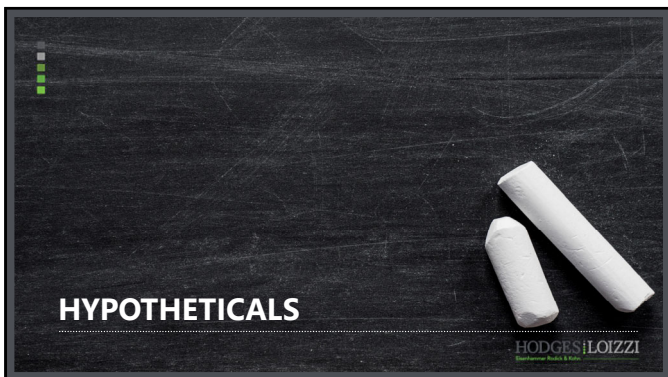
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HYPOTHETICAL #1

- Student A and Student B are caught goofing off in the bathroom during a class period. When the Assistant Principal talks to the students (separately), Student A says Student B pulled down Student B's pants and flashed Student B's private body parts to Student A.
- Both are middle school students, the same sex/gender, and not romantically interested/involved. Both students receive special education services from the District.
- Should the Assistant Principal report this to the Title IX Coordinator?

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HYPOTHETICAL #2

- A minor student reports they were sexually harassed and assaulted at school based on their gender identity. When meeting with a building administrator, the student says they do not want to do anything about it because they have not shared their gender identity with their parents and are afraid their parents will be angry. School staff are concerned about "outing" student to parents.
- Is the Title IX Coordinator required to notify the student's parent of the report?

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HYPOTHETICAL #3

- Student A and Student B are high school students. Student A touches their crotch over their pants while looking at Student B in class. Student B reports Student A was masturbating while looking at Student B. When the Dean meets with Student A, Student A says they were just scratching an itch.
- Student B also reports to the Dean another incident outside of school where Student A said they would help Student B with math homework if Student B performed a sex act on Student A.
- Should the Dean report this to the Title IX Coordinator?

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HYPOTHETICAL #4

- Student A and Student B are high school students of the opposite sex. Student A and Student B are caught in the bathroom "making out." Building administrators investigate and find that the behavior violates rules against sexual conduct on school property (Board Policy 7:190).
- Student A is suspended for 3 days because they had a disciplinary history.
- Student B received a warning because it was the student's first incident of misconduct.
- Student A's teacher meets with the Principal after hearing about the discipline from the students. The teacher is concerned Student A is being treated more harshly because of their sex.
- Can the teacher file a Title IX Complaint?

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HYPOTHETICAL #5

- Student A is in elementary school and is male. He complains to his teacher, and then to his parents after school, that at recess while playing a game with other students, several students told him he should be on the girl's team because he has long hair and called him "gay." Parents ask to meet with the Principal the next morning.
- At the meeting the next morning, Parents also report Student A has said that students often call him "gay" at school. But they have not previously reported it.
- Should the Principal report this to the Title IX Coordinator?

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HYPOTHETICAL #6

- Student A is a middle school student. Student A submits a writing assignment via Google docs. The essay mentions interactions between Student A and an unidentified teacher at the school, including interactions sexual in nature.
- What should the teacher do upon reading the student's writing assignment?
- What if the writing assignment is a journal for a class (still in Google docs), but it is not regularly reviewed by the teacher?

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HYPOTHETICAL #7

- Teacher A asks Teacher B out on a date. Teacher B says no. Teacher A continues to ask Teacher B. Teacher B reports this to Teacher C, and shares that Teacher B no longer goes in the teacher's lounge, avoids the copy machine at certain times, and avoids being in the hallway when other people are not around so as not to run into Teacher A alone. Teacher C reports Teacher B's concerns to the Department Chair.
- Should Teacher C/the Department Chair report this to the Title IX Coordinator?

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HYPOTHETICAL #8

- Student A is pregnant. Student A reports this to her swim team coach, who also is a teacher at the school. The swim team coach meets with Student A and her parents. They develop a plan to support the student with finishing out the last few weeks of the swim season. Swim team coach does not notify the Title IX Coordinator.
- About a month later, Student A starts experiencing complications with her pregnancy (still in the first trimester) and misses school for several days and then attends intermittently for several weeks. The school will not excuse her absences. Student A believes the school knows she is pregnant due to her telling the swim team coach. Student A and her parents meet with the Principal. The Principal, once notified of Student A's pregnancy, still requests medical documentation for the absences and also tells Student A she cannot participate in track in the spring due to being pregnant. The Title IX Coordinator still is not notified.
- Student A and her parents file a complaint with OCR.
- What should have happened here? By the swim coach, the Principal, etc.?

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Jessica Nguyen ▪ jnguyen@hlerk.com

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