

Title IX

A practical guide and training for all school-district employees



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Your job is action, not adjudication

Five verbs anchor every employee response.

01

Listen

Receive the concern without judgment.

02

Support

Address immediate safety and access needs.

03

Report

Use the district pathway promptly.

04

Preserve

Keep messages, notes, and other information.

05

Protect

Prevent retaliation and unnecessary sharing.

The 2020 federal rule governs again

The legal landscape changed; the employee reporting habit did not.

2024

Final rule issued

2025

Rule vacated nationwide

2026

2020 Rule is OCR baseline

Use your current district policy; it was updated to reflect the 2020 rule.

Other laws may require action even when the *federal* Title IX grievance definition is not met.

One concern can trigger several protections

Do not treat the laws as competing labels.

I

Title IX

Federal sex-discrimination duties for federally funded education programs and activities.

II

DASA

New York student protections against harassment, bullying, discrimination, and cyberbullying.

III

Workplace + policy

State and federal employment protections, district code, contracts, and procedures.

A matter outside one framework may still require a district response under another.
You have policies on all three of these!

Title IX protects equal access to education

The statute reaches more than sexual harassment.

Title IX is a comprehensive federal law that has removed many barriers that once prevented people, on the basis of sex, from participating in educational opportunities and careers of their choice.

- Applies to federally funded education programs and activities.

- Covers students and employees in the district's education operations.

- Also prohibits retaliation for exercising Title IX rights.

Title IX protects equal access to education

“No person ... shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination ...”

The Title IX regulations contain a variety of procedural requirements, the most important of which is the requirement to establish grievance procedures.

The regulations require that every recipient to which Title IX applies "adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints alleging any action that be prohibited by these Title IX regulations."

Three general types of prohibited discrimination

01

Disparate Treatment

Actions that treat similarly situated persons differently on the basis of a prohibited classification (Title IX classification = sex).

02

Disparate Impact

Focuses on the consequences of a facially sex-neutral policy or practice. Focus in on the results on the action taken rather than the underlying intent.

03

Retaliation

“No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by [Title IX], or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under this subpart.”

The 2020 Rule uses a specific harassment definition

Sexual harassment under Title IX includes any one of three categories.

01

Quid pro quo

A school employee conditions an aid, benefit, or service on unwelcome sexual conduct.

02

Hostile environment

Unwelcome conduct a reasonable person finds severe, pervasive, and objectively offensive enough to deny equal access.

03

Specified offenses

Sexual assault, dating violence, domestic violence, or stalking as incorporated by the Rule.

RECOGNIZE

Context determines federal Title IX coverage

Ask where, who, and what—but report before you classify.

WHERE

Education program or activity

A location, event, or circumstance where the district has substantial control over both the respondent and the context.

WHAT

Conduct covered by the Rule

The federal grievance process also applies only to conduct against a person in the United States. Other district duties may still apply.

Employee rule: route the concern; let trained officials determine the framework.

In K–12, notice to any employee matters

The district is considered to have actual knowledge when any elementary or secondary school employee has notice.

*“ANY
EMPLOYEE”

Do not wait for a written complaint.

Do not promise secrecy or inaction.

Do not decide that the facts are “not serious enough.”

Report promptly through the district pathway.

Report first. Classify later.

A concern may fall outside the federal Title IX grievance definition and still violate DASA, the code of conduct, workplace law, or district policy.

When in doubt: share the facts with the designated district official.



First response: listen, stabilize, route

Use calm, direct language.

“Thank you for telling me. I’m sorry this happened. I need to share this with the people who can help. We can talk about what you need right now.”

- Check for immediate safety or medical needs.
- Ask only what is necessary to understand the basic concern.
- Explain that privacy will be respected, but information must be routed.
- Contact the designated district official promptly.

Do not investigate on your own

Your actions should protect the integrity of the district response.

DO

- Write down the person's words accurately.
- Preserve messages, images, dates, locations, and names.
- Share only with those who need the information.
- Report new facts or retaliation promptly.

AVOID

- Interviewing witnesses or testing credibility.
- Confronting the person accused.
- Deleting or forwarding sensitive material unnecessarily.
- Promising a particular outcome or complete confidentiality.

Support is available without a formal complaint

The coordinator must promptly discuss supportive measures and the complainant's wishes.

Supportive measures

- Non-disciplinary and non-punitive
- Individualized and reasonably available
- Designed to restore or preserve equal access
- Protect safety or deter sexual harassment
- Confidential to the extent practicable

Examples

- Counseling or employee assistance
- Schedule, class, work, or transportation adjustments
- Mutual restrictions on contact
- Campus escort or safety planning
- Leave or deadline flexibility

Retaliation is prohibited

No one may intimidate, threaten, coerce, or discriminate against a person for reporting in good faith, participating in a Title IX investigation, or exercising Title IX rights.

Watch for schedule changes, exclusion, discipline, threats, social pressure, or negative treatment tied to a report.



Roles are intentionally separated

Separation supports neutrality, clarity, and due process.

01

Employee

Receives, supports,
reports, and preserves.

02

Title IX Coordinator

Coordinates response,
supportive measures,
and process.

03

Investigator

Collects and fairly
summarizes relevant
evidence.

04

Decision-maker

Makes an independent
written determination.

One person may hold multiple trained roles only where the Rule and district structure permit.
The investigator and decision-maker will never be the same in any matter.

A formal complaint

Support and reporting can occur before—or without—a formal complaint.

WHO MAY SIGN

The complainant or the Title IX Coordinator

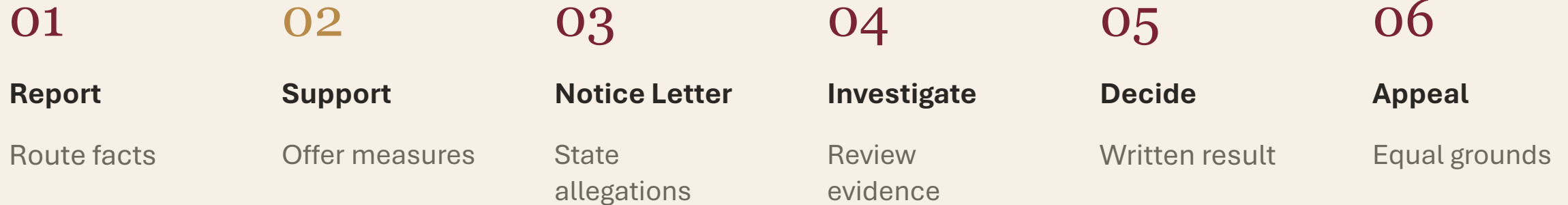
The coordinator's signature does not make the coordinator a party.

WHAT FOLLOWS

1. Written notice of allegations
2. Impartial investigation
3. Evidence review and investigative report
4. Independent determination
5. Equal appeal opportunity

The grievance process follows a defined path

District policy supplies the names, forms, timing, and standard of evidence.



Throughout the process the handling of the investigations and communications with the parties should be prompt, equitable, impartial, and free of conflicts or bias.

Written notice and neutrality protect both parties

A fair process is not a prediction about the outcome.

Presumption: the respondent is not responsible unless and until a determination is made.

Notice: allegations and process for the investigation are provided in writing to both parties.

Impartiality: coordinators, investigators, decision-makers, and appeal officers avoid conflicts and bias.

Objective evaluation: relevant inculpatory and exculpatory evidence are considered.

PROCESS

The institution—not the parties—carries the burden to investigate

Participation is protected; evidence collection is the district's responsibility.

DISTRICT

Gathers sufficient evidence to reach a determination and evaluates relevant evidence objectively.

PARTIES

May present witnesses and evidence and review directly related evidence.

The district may not restrict either party from discussing the allegations or gathering relevant evidence. However, confidentiality is important. We encourage confidentiality to protect the parties.

K–12 decisions can occur without a live hearing

The 2020 Rule requires a structured written-question opportunity.

Before the determination

- Each party may submit written, relevant questions for another party or witness.
- The decision-maker provides answers and permits limited follow-up questions.
- Questions about sexual predisposition or prior sexual behavior are generally not relevant and should be avoided, subject to narrow exceptions.

The written outcome

- Identifies allegations and procedural steps taken
- States findings of fact and applies district policy
- Explains the result and rationale for each allegation
- Addresses discipline and remedies as permitted

Appeals must be offered equally

At minimum, both parties may appeal a dismissal or responsibility determination on specified grounds.

01

Procedural irregularity

An error that affected the outcome.

02

New evidence

Information not reasonably available earlier that could affect the outcome.

03

Conflict or bias

A coordinator, investigator, or decision-maker had a conflict or bias affecting the outcome.

District policy may add equal grounds for both parties.

Emergency action is narrow and safety-based

Immediate action does not replace the grievance process.

STUDENT EMERGENCY REMOVAL

If concerns warrant immediate intervention due to threat to physical health or safety:

- Conduct an individualized safety-and-risk analysis.
 - Are there immediate intervention we can put in place?
- Provide immediate notice and an immediate opportunity to challenge

IDEA, Section 504, and other rights still apply

EMPLOYEE

Administrative leave may be used during the grievance process, subject to other applicable laws, contracts, and district procedures.

Informal resolution is optional and limited

It is not a shortcut around safety, consent, or fairness.

Formal complaint first: the federal process requires one before informal resolution.

Written notice and consent: both parties must voluntarily agree to the informal resolution process.

No coercion: either party may withdraw before agreement at any time.

Prohibited category: allegations that an employee sexually harassed a student cannot be resolved by the informal resolution.

Trained facilitator: conflicts and bias remain prohibited and the typical rules for a formal resolution process apply.

Documentation and training are compliance controls

Records make the district's response traceable.

7
YEARS

Minimum retention for specified Title IX records under the 2020 Rule.

As the recipient of this training, 34 CFR §106.8(f)(3) requires you to maintain your Title IX training materials for 7 years.

You must be able to make these materials available upon request for inspection by members of the public.

They will be provided to you and posted on the District website.

Scenario: a student tells you after class

“A classmate keeps sending sexual messages. Please don’t tell anyone.”

SAY

“Thank you for telling me. I need to connect you with people who can help, and I’ll only share what is needed.”

DO

- Check immediate safety
- Preserve the messages
- Report through the district pathway
- Follow DASA timing (1 day oral report, 2 days written report) if applicable

AVOID

- Investigating
- Promising secrecy
- Contacting the other student

Scenario: staff conduct and power imbalance

An employee hints that a supervisor tied a preferred assignment to a date.

RECOGNIZE

Potential quid pro quo and workplace harassment concern.

RESPOND

- Listen without testing credibility
- Explain the reporting obligation
- Route to the designated official outside the reporting line if needed
- Watch for retaliation

REMEMBER

Title IX, Human Rights Law, Title VII, policy, and contracts may overlap.

Scenario: online conduct affects school access

A social-media post occurred off campus, but the student is now avoiding school.

Do not end the analysis with “off campus.”

- Report the facts and the effect on school participation and/or if there is a disruption to the school environment.
- Preserve links, screenshots, dates, and usernames without redistributing them.

DASA, code-of-conduct, safety, and other district duties may still apply.

ROUTE
BEFORE
LABELING

WHEN A CONCERN REACHES YOU

Listen. Support. Report. Preserve. Protect.

01

LISTEN

without judgment

02

SUPPORT

immediate safety
and access

03

REPORT

through the
district pathway

04

PRESERVE

relevant
information

05

PROTECT

against retaliation

Questions? Start with the district Title IX Coordinator or designated reporting official.



Questions?

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