



Title IX Coordinators: Training & Practical Application

Presented by **Brittany Reiner** | Udall Shumway PLC | August 25, 2026

Welcome & Learning Objectives

1

Review

Title IX coverage and who it protects

2

Detail

Title IX procedures for Coordinators step by step

3

Apply

Procedures to real-world Title IX scenarios

4

Practice

Through interactive activities and group discussion

What Is Title IX?

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance."

— U.S. Congress, 1972



Your Role as Title IX Coordinator

Front Line Defense

You are the **front line** for preventing district liability

Critical Implementation

You are **critical** to successful implementation of Title IX regulations

Shaping Outcomes

Your decisions shape outcomes for students, staff, and the district

Your Title IX Toolkit



Notice and Response Tracking

Method to keep track of reports and responses



Templates & Forms

Standardized notices, complaints, and agreements



Resources

Legal guidance and regulatory updates



District Governing Board Policies

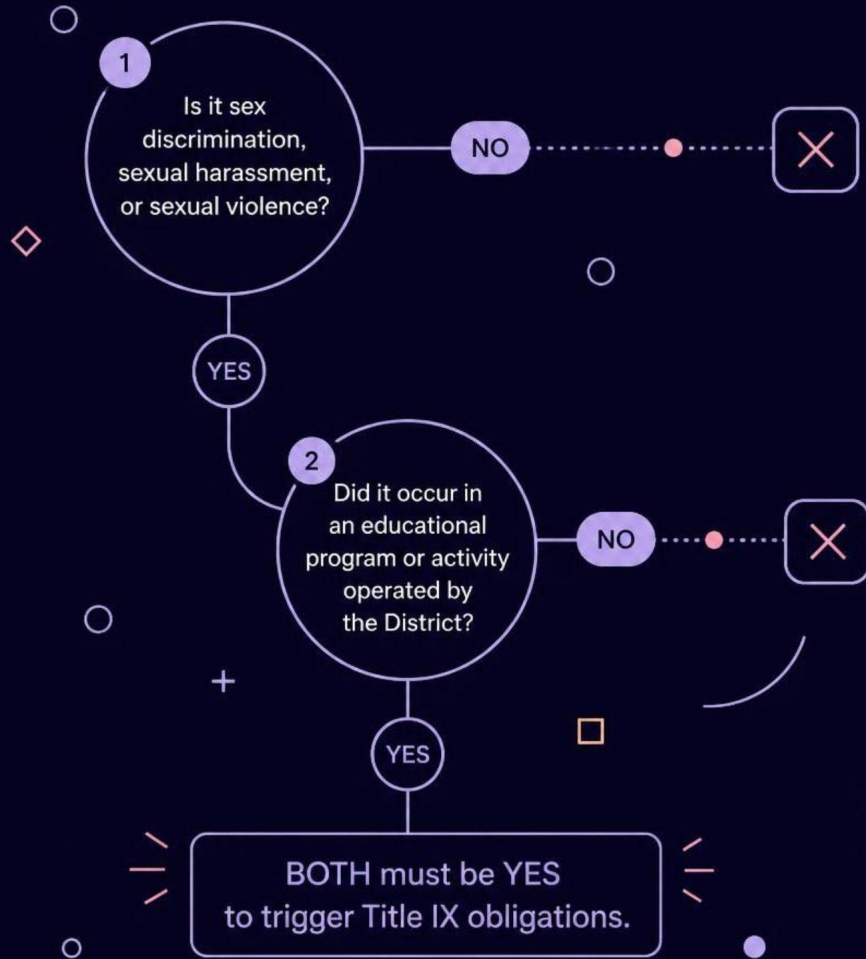
Sexual Harassment, Title IX, and Bullying policies



Is It Title IX?

Determining whether an incident triggers your obligations as Coordinator

The Coordinator's First Analysis



Both Questions Must Be YES

Every Title IX analysis begins with this two-part test. If either answer is **No**, Title IX obligations are not triggered — but other district policies may still apply.

- Is it **sex discrimination, sexual harassment, or sexual violence**?
- Did it occur in an **educational program or activity** operated by the District?



Quid Pro Quo

An **employee** conditions an aid, benefit, or service on a person's participation in unwelcome sexual conduct.

Must Involve an Employee and Benefit Does Not Have To Be Given

Student-to-student conduct cannot be quid pro quo; offer/suggestion of sexual act sufficient

Severe, Pervasive & Objectively Offensive

The Reasonable Person Standard

Unwelcome conduct a **reasonable person** would find so severe, pervasive, and objectively offensive that it denies equal access to education

Severe ↔ Pervasive: A Sliding Scale

More severe = less need to show pervasiveness. **More pervasive** = less severity required. They balance each other.

Objective Standard Required

Subjective feelings alone are **not sufficient** — the objective standard must be met



Sexual Assault or Violence

Sexual Assault

Forcible or nonforcible sex offense (FBI UCR definition)

Dating Violence

Violence by a person in a romantic or intimate relationship with the victim

Domestic Violence

Violence by a current or former spouse or intimate partner

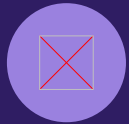
Stalking

Conduct causing reasonable fear for safety or substantial emotional distress



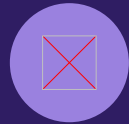
Poll: Is It Title IX?

A 5th grader takes another student's hand and forces him to touch his penis during class.



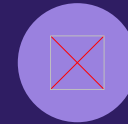
A) Yes, Title IX

This meets the threshold — cast your vote!



B) No, Not Title IX

The conduct doesn't qualify — cast your vote!



C) Need More Info

More context is required — cast your vote!



Discuss: What are your first steps as Coordinator regardless of your vote?



Poll: Is It Title IX?

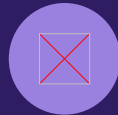
A 10th-grade student tells the assistant principal that a male student in her class has been repeatedly sending her sexual messages through Snapchat. He has also made sexual comments about her at school. She says she has asked him to stop, but the messages and comments continue.

The student says she feels uncomfortable coming to class and has started avoiding school activities where he is present.

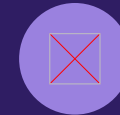
What Should Your Action Be?



A) Tell Her to Block Him on Snapchat and Move On

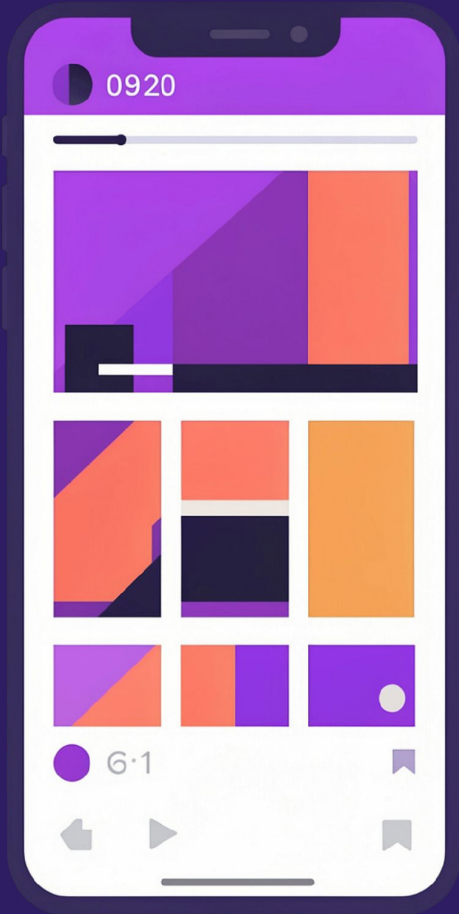


B) Determine Where/When Snapchats Sent



C) Immediately Suspend Him





Scenario: The Resurfaced Videos

A high school administrator learns that a 16-year-old student recorded a private, sexually intimate video involving another 16-year-old student. The video was originally shared privately between the students.

A few weeks later, another student obtains the video and begins sharing it with other students through Snapchat and group messages. Several students at school have now seen it. The student in the video reports that classmates are making sexual comments about her in the hallway and that she is afraid to come to school.

The student tells the assistant principal:

"I never agreed for anyone else to see the video. Everyone is talking about me, and I don't know who has it."

Is This Title IX?

Does the conduct meet the definition of sexual harassment?

What Do You Do First?

Walk through the Coordinator's immediate obligations

Supportive Measures?

Discuss ?



Breakout Discussion: Work through all three questions with your group.



District Liability: Actual Knowledge

A school violates Title IX when it has **actual knowledge** of sexual harassment and acts with **deliberate indifference**.

Any Employee = Notice to the District

A report to **any school employee** constitutes actual knowledge for the district — not just the Coordinator

Missed Follow-Up = Liability Risk

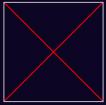
Failure to ask follow-up questions can still constitute actual knowledge even if the full picture wasn't obtained



The Coordinator's Responsibilities

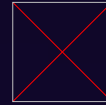
Qualifications, authority, core duties, and avoiding bias

Coordinator Qualifications & Authority



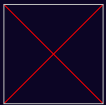
Actual Title Required

Must hold the **actual title** and be authorized to initiate the grievance procedure



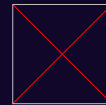
Authority to Act

Must have authority to provide **supportive measures** that restore equal access



Trained & Training Others

Must be **trained** and ensure all relevant individuals are also trained



No Conflict of Interest

Cannot have a **conflict of interest** — must act impartially throughout

Coordinator's Core Duties

1 Receive & Fulfill Notice Obligations

Receive notice of allegations and fulfill all required notice obligations to parties

2 Coordinate Supportive Measures

Coordinate supportive measures for both the complainant and respondent

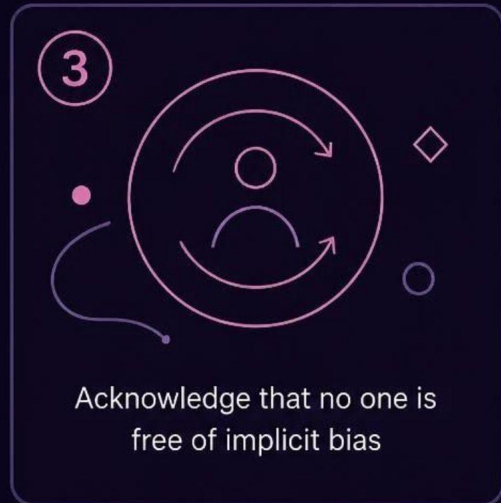
3 Manage Formal Complaints

Draft, accept, and manage formal complaints — including deciding whether to sign if a victim refuses

4 Oversee & Track

Oversee the investigation, track all deadlines, and maintain records





Avoiding Bias: A Legal Requirement

Following grievance procedures consistently is a key step in demonstrating non-bias throughout the Title IX process.

- Recognize allegations regardless of who the alleged victim is — **no stereotypes**
- No one is free of implicit bias — self-awareness is essential
- Implicit bias training is strongly recommended



Knowledge Check: Coordinator Role



Q1: Can the Title IX Coordinator also serve as the investigator?

Yes / No / Sometimes — discuss with your group



Q2: Confidentiality Request

If a complainant asks you to keep a report confidential, must you comply?



Q3: The Advisor Role

Who can serve as an advisor to a party during the grievance process?



Facilitator-led discussion — answers to follow.



Notice & Formal Complaints

What triggers the process — and what to do once it does

What Triggers Notice?



Notice Is Broad By Design

You don't have to be the one who hears about it first. Once *any* school employee knows, the district knows.

- A report to **any school employee** — not just the Coordinator
- A report to the Title IX Coordinator via **any method** at any time
- All notice triggers the Coordinator's responsibility to act **promptly**



No employee can opt out of receiving notice. Every staff member is a potential trigger point.

Responding to Notice: Required Steps

Discuss Supportive Measures

Ask if the complainant wants supportive measures.

Explain Availability

State measures are available whether or not complaint filed.

Contact the Complainant

Reach out promptly after receiving notice.

Describe Formal Complaint Process

Explain steps to file a formal complaint clearly.

These steps are **required** — not optional. Every notice triggers this sequence regardless of the nature of the allegation.



Supportive Measures

Non-punitive steps to restore equal access to education for all parties

What Are Supportive Measures?

Purpose

Designed to **restore or preserve equal access** to the education program and activity

Characteristics

Non-disciplinary, non-punitive, individualized, and offered **without charge** to either party

Who Receives Them?

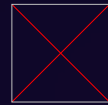
Must be offered to the complainant; may be offered to the respondent if appropriate

The Burden Test

Cannot **unreasonably burden** either party — balance is required

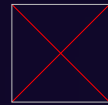


Examples of Supportive Measures



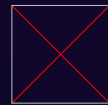
Counseling Services

Mental health support for the complainant and/or respondent



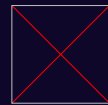
Modified Course Schedule

Class changes or seating arrangements to separate the parties



No-Contact Order

Mutual or individual orders prohibiting direct or indirect contact



Increased Monitoring

Enhanced supervision or specific escort arrangements within the school

Emergency Removal of a Student

Immediate Threat Shown

Demonstrate danger to physical health or safety.

Notice & Challenge

Provide prompt notice and opportunity to appeal.

Individualized Risk Analysis

Conduct a threat assessment for the student.

Respect IEP/504 Rights

Maintain IDEA and ADA protections throughout.



Emergency removal is a high bar — all four requirements must be satisfied. Students with IEPs or 504s retain their rights throughout this process.

Challenging Supportive Measures



Both Parties Have Rights

Both parties have a **timely opportunity** to seek modification or reversal of supportive measures that apply to them.

Scope of the Challenge

- Respondent **can** only challenge what applies to them
- Respondent **cannot** challenge what is offered to the complainant

Impartial Review Required

Review must be conducted by an **impartial employee** who did not make the original decision.

What Is a Formal Complaint?

Who Can File?

Filed by the complainant **or** signed by the Title IX Coordinator

What Must It Allege?

Alleges sexual harassment against a respondent and requests an investigation

Participation Requirement

Complainant must be **currently participating or attempting to participate** in the education program

Signature Required

Must contain a physical or digital signature to be valid

Written Notice Requirements

Presumption of Non-Responsibility

Respondent is **presumed not responsible** until conclusion of the grievance process

Right to an Advisor

Both parties may have an **advisor of their choice**, including an attorney

Right to Review Evidence

Both parties may **inspect and review evidence** collected during the investigation

Required Notice Contents

Must include: identities of parties, conduct alleged, date(s) and location(s)



Mandatory vs. Permissive Dismissal

Mandatory Dismissal

You **must** dismiss when:

- Conduct doesn't allege sexual harassment even if true
- Conduct occurred outside the school program or activity
- Victim is not in the United States

Permissive Dismissal

You **may** dismiss when:

- Complainant withdraws the complaint
- Respondent leaves the school
- Evidence is unavailable due to time or non-cooperation

When the Coordinator Files Without the Complainant



The Coordinator's Decision

The Coordinator **may sign a complaint** even if the complainant declines. The key question: would NOT proceeding constitute **deliberate indifference**?

Factors to Consider

- Severity of the alleged conduct
- Age and relationship of the parties
- Whether there is a pattern of conduct
- Risk of recurrence
- Available evidence to proceed

If Complainant Declines — Document Everything

01 Document Supportive Measures

Record that supportive measures were offered and what was accepted or declined

02 Document the Explanation

Document that the complaint procedure was fully explained to the complainant

03 Document the Declination

Document that the complainant declined to proceed with a formal complaint

04 Retain for 7 Years

Keep all records for a minimum of **7 years** — no exceptions

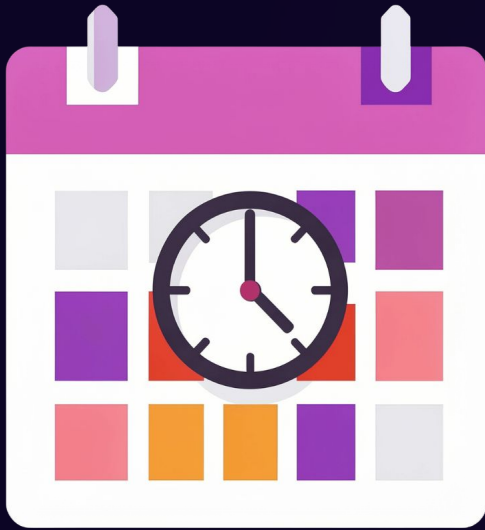
Good Cause Delays

Acceptable Reasons for Extension

- Concurrent law enforcement activity
- DCS involvement in the matter
- Respondent unavailability
- School break or closure

Not Good Cause

- ⊗ The Coordinator, investigator, or decision maker being unavailable is **NOT** good cause for delay.



All delays require **written notice** to both parties explaining the specific reason.



Investigation & Decision

Assigning roles, gathering evidence, and reaching a determination

Assigning the Investigator

Trained & Conflict-Free

Assign a **trained investigator** with no conflict of interest in the matter

Coordinator Stays Active

The Coordinator continues to monitor deadlines and serve as a resource throughout

Equip the Investigator

Provide district templates, forms, and definitions at the outset

Facilitate Evidence Collection

Coordinate IT server searches and surveillance footage retrieval as needed

Non-Disclosure Agreements

When to Sign NDAs

Have parties sign NDAs at the time of interviews — **not** right before evidence is sent to them



What NDAs Cannot Do

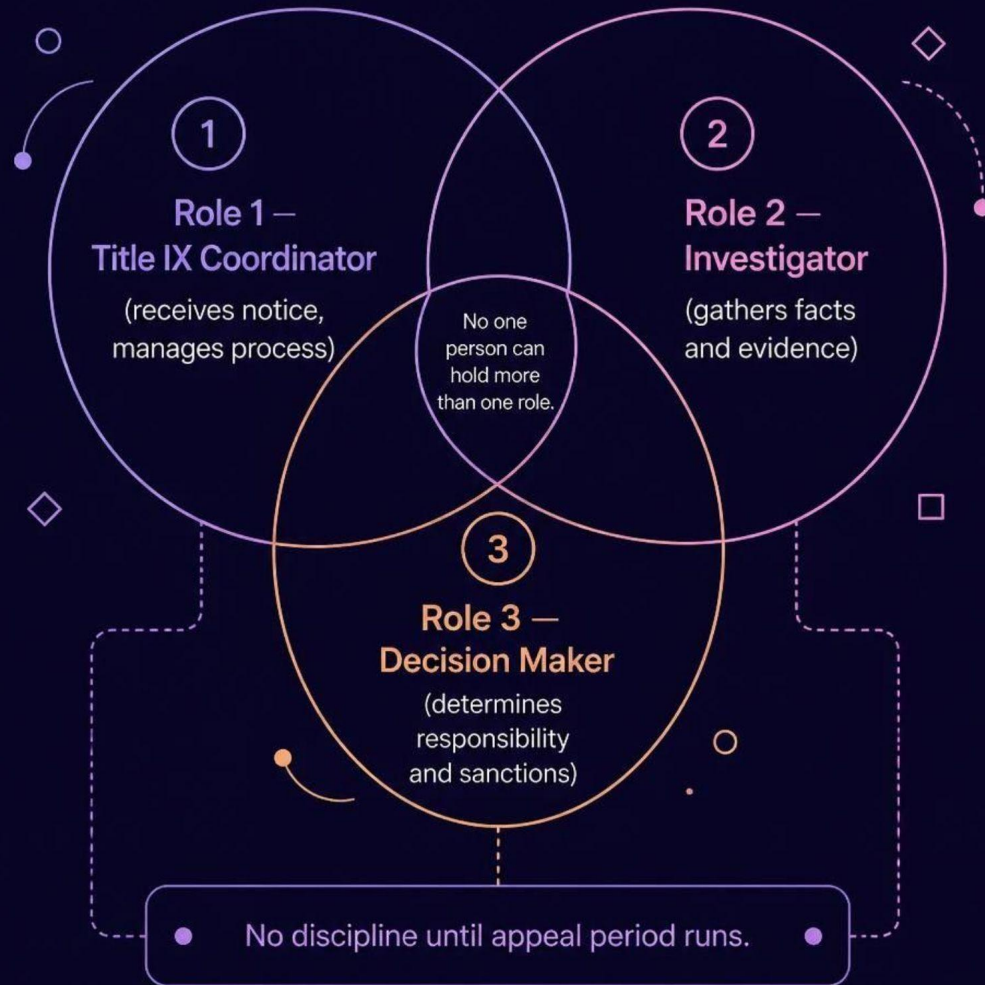
NDAs **cannot** prevent parties from building or investigating their own case — that is a protected right



If a Party Refuses

If a party refuses to sign, the Coordinator facilitates their access to review evidence through another method

Assigning the Decision Maker



Separation of Roles Is Required

The decision maker must be **different** from the investigator and the Coordinator — all three roles must be held by different people.

- Assign a **trained decision maker** with no conflict of interest
- Coordinator continues to monitor timelines and provide resources
- **No discipline** may be imposed until the appeal period has run



Knowledge Check: Investigation Process



Q1: Role Separation

Can the Title IX Coordinator serve as the decision maker?



Q2: Redaction Rules

Are complainant and respondent names ever redacted from investigation documents?



Q3: Good Cause

What qualifies as "good cause" for delaying an investigation timeline?



Facilitator-led discussion — review answers as a group.

Informal Resolution

A voluntary, flexible alternative to the full grievance process



When Is Informal Resolution Appropriate?

1

A Formal Complaint Has Been Filed

Informal resolution can only begin after a formal complaint exists

2

Both Parties Voluntarily Agree in Writing

Participation must be genuinely voluntary — it cannot be required or pressured

3

Respondent Is NOT an Employee vs. Student Complainant

Informal resolution is not available when an employee is the respondent and the complainant is a student

4

Either Party May Withdraw at Any Time

The process is voluntary at every stage — withdrawal is always permitted

🎭 Role-Play: Shuttle Diplomacy

Two students are in an informal resolution after a harassment complaint. The complainant wants a no-contact order and an apology. The respondent denies everything and refuses to apologize.

The Role-Play

One person is the facilitator. How do you get the parties "unstuck"? What do you say to each party separately?

The Reminder

If informal resolution fails, the **formal process resumes where it left off** — nothing is lost



Remedies, Appeals & Wrap-Up

After a determination — what comes next for all parties



After a Determination of Responsibility

If Responsible

Oversee implementation of **remedies** for the complainant. Continue to be a resource for both parties throughout the process.



No discipline until the appeal period has run — unless the respondent waives their right to appeal.

If Not Responsible

Continue any supportive measures that remain necessary to ensure equal access to the education program for the complainant.

The Coordinator remains a resource for **both** parties regardless of the outcome.

Appeals: Grounds & Process

Procedural Irregularity

A procedural irregularity that would change the outcome of the determination

New Evidence

New evidence not reasonably available at the time of the original determination

Conflict of Interest or Bias

Conflict of interest or bias by the Coordinator, investigator, or decision maker

- ❏ The appeal decision maker must be **different** from the original decision maker, investigator, and Coordinator — a completely fresh set of eyes.



During the Appeal Period

- Keep **supportive measures in place** to maintain the status quo and ensure equal access for both parties
- Written determination on responsibility and sanctions are **postponed** until the appeal decision is sent to both parties
- Revisit emergency removal decisions if circumstances change during the appeal period



The appeal period is a waiting period — not a period of inaction. Continue monitoring both parties.

Discipline & Special Education Considerations

Let the Appeal Period Run

Do not initiate discipline until the appeal period has fully run — unless the respondent has waived their right to appeal in writing

MDR Required for SPED Students

If a respondent has an IEP or 504 and discipline would change placement for more than 10 days, a **Manifestation Determination Review (MDR)** is required

MDR Confidentiality

MDR team members should sign an NDA. Do **not** make the MDR part of the student's special education records

Records Retention Requirements

7 yrs

Minimum Retention

All Title IX records must be kept for at least 7 years — no exceptions

- Includes records of supportive measures, remedies, and all complaint documentation
- Title IX records are kept **separately and confidentially** — not in the student's cumulative or special education file
- Training materials must be **posted publicly** on the district's website





Final Knowledge Check



Q1: Records Retention

How long must Title IX records be retained?



Q2: Who Can File?

Can a complainant's parent file a formal complaint on their behalf?



Q3: Mandatory Dismissal

Name one ground for a **mandatory** dismissal of a formal complaint



Q4: Before Discipline

What must happen before discipline is imposed after a finding of responsibility?

Capstone Scenario: Put It All Together

Marcy's mom reports to the principal that the school security guard has been texting Marcy and sending her gifts. Police investigate and find no crime. Marcy's mom files a Title IX formal complaint.

Is This Title IX?

Does the conduct meet the definition?
Does the lack of a criminal finding affect the analysis?

Your Obligations?

Walk through every Coordinator responsibility step by step

What Supportive Measures Apply?

For Marcy — and for the security guard while the investigation proceeds

If Mom Withdraws?

Do you proceed even if Marcy's mom later withdraws the formal complaint?



Key Takeaways for Title IX Coordinators

