

# Nuts and Bolts of the New Title IX Rule: *Compliance Obligations, Strategies for Policy Development and Implementation, Tackling Training*

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Presented by  
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Patti also supervises the firm’s specialized Education law practice, guiding public school districts through in a wide range of employment-related actions involving return-to-work, reasonable accommodation and leave of absence requirements. She consults with school districts on how to conduct and document the interactive process, internal misconduct investigations, disciplinary actions and due process hearings. She serves as an independent harassment/discrimination investigator, and trains HR professionals to conduct misconduct investigations. She is a recognized expert in helping guiding public agency and private industry employers through their critical compliance processes for evaluating workplace reasonable accommodations, making return to work decisions and managing multiple leaves of absence. She is the author of *The Employer’s Guide to Leaves of Absence and the Return to Work Process* (1<sup>st</sup> Edition 2010; 2<sup>nd</sup> Ed. 2014), *the Interactive Process Manual for California School Districts* (1<sup>st</sup> Edition 2007; 2<sup>nd</sup> Ed. 2010; 3<sup>rd</sup> Ed. 2013), *the California School District Guide to Managing Multiple Leaves of Absence* (1<sup>st</sup> Edition 2009, 2d Ed. 2014), and *the Administrator’s Desktop Guide to Return to Work, Reasonable Accommodations & Leaves of Absence* (2016).

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The firm’s specialized Education law practice, guiding public school districts through in a wide range of employment-related actions involving return-to-work, reasonable accommodation and leave of absence requirements. We work extensively with K-12 public school districts to assure their compliance with the Education Code and overlapping Federal and State law.

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**Nuts and Bolts of the New Title IX Rule:  
Compliance Obligations, Strategies for Policy Development and  
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*August 7, 2024*

*Provided through  
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*Presented by  
Patricia S. Eyres*



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# **Agenda**

Foundational Principles, Policy and Process: The Basics of the new Title IX Rule as it Applies to K-12 Schools and Post-Secondary Education

The 2024 Rule and Major Changes from 2020: Rights, Risks, and Responsibilities, Definitional and Process Changes and Compliance Challenges

Proactive Strategies for Policy Enforcement:  
Substance and Implementation for Policies and Process

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## Title IX Regulations Released Effective August 1, 2024

- The new regulations replace the existing Title IX regulations, which became effective in 2020. Educational institutions have until August 1, 2024, to update their policies and train staff on the new Title IX requirements.
- The 2024 regulations further change and clarify the Office of Civil Rights' requirements for how K-12 and post-secondary institutions that receive federal financial assistance ("recipients") must define, investigate, and adjudicate claims of complaints of sex discrimination, including sex-based harassment.
- There are over 1,500 pages of guidance as a resource for drafting policies, notices of investigation, and grievance procedures.
- The Rule does not address sex discrimination in athletics or student eligibility to participate in male or female athletic teams. That is a separate rulemaking process for the fall of 2024.

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## Judicial Wrinkle in Enforcement Due to Injunction in Kansas

- The litigation alleges the LGBTQ+ provisions are unconstitutional.
- Kansas judge issued a temporary injunction preventing the DOE from enforcing the new rule pending a substantive ruling on these provisions. The injunction is in 26 states, and although CA was not a party to the litigation, it affects schools and colleges attended by members of certain associations that includes "Moms for liberty."
- The DOE has a list of schools and colleges that are subject to the injunction and updates it regularly. Unless your district has schools on the list (none so far), you must enforce the 2024 final regulation. If you are enjoined from enforcing it, continue to enforce the 2020 regulation, pending clarification from the court. Currently, there is an appeal to the 10<sup>th</sup> Circuit US Court of Appeals.

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## Presence of Plaintiff Organizations at K-12 Schools and Universities

- Plaintiff organizations in addition to states are: Moms for Liberty, Young America's Foundation, and Female Athletes United. They identified 429 K-12 schools in 44 states (including 98 in California) and another list identifying 687 colleges and universities including many CA community colleges.
- On July 19, 2024, the federal judge in Kansas enjoined the enforcement of the 2024 Title IX regulations against the schools attended by current and prospective members of these organizations, as well as the schools attended by the children of the current and former members of Moms for Liberty. The injunction, and whether it applies only to the LGBTQ+ provisions or all provisions, is on appeal by the DOE to the US Court of Appeals for the Tenth Circuit.

## Foundational Principles of Title IX New 2024 Regulations

**U.S. Department of  
Education Releases  
New Title IX  
Regulations**



## A Dozen Foundational Requirements with the Overhaul of the Title IX Regulations

Effective 8-1-2024

1. Provide full protection from sex-based harassment;
2. Require schools to take prompt and effective action to end any discrimination in their education programs or activities and to prevent its recurrence and remedy its effects;
3. Require schools to provide supportive measures to complainants and respondents affected by conduct that may constitute sex discrimination, including sexual violence and other forms of sex-based harassment;
4. Require schools to respond promptly and effectively to all complaints of sex discrimination with a fair, transparent, and reliable process that includes trained, unbiased decisionmakers to evaluate all relevant and not otherwise impermissible evidence.

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## Major Objectives and Compliance Mandates

5. Provide schools with flexibility to adapt the regulations' grievance procedure requirements to their educational communities so that all schools can implement Title IX's promise of non discrimination fully and fairly in their educational environments;
6. Protect students, employees, and applicants from discrimination based on pregnancy or related conditions;
7. Prohibit discrimination against LGBTQI+ students, employees and others;
8. Protect people from harm when they are separated or treated differently based on sex in schools;

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## Major Objectives and Compliance Mandates

9. Protect students, employees, and others from retaliation;
10. Support the right of parents and guardians to act on behalf of their elementary and secondary school children;
11. Ensure that schools communicate their non-discrimination policies and procedures;
12. Prohibit schools from sharing personal information.

## Previous 2020 Requirements that Remain in Effect

- Regulations still apply to sexual assault, dating violence, domestic violence, and stalking based on sex;
- Notice of allegation requirements remain the same;
- Employee respondents may be placed on administrative leave in accordance with state law and district policy during the investigation;
- All records must be retained for seven years; and
- The grievance policy still must be in writing.

## Flexibility and Adaptability in Implementation

- The Department's final regulations will enable all schools to meet their Title IX obligations while providing appropriate discretion and flexibility to account for variations in school size, student populations, and administrative structures.
- For instance, schools have the option to use a single-investigator model, and schools may choose to use this model in some, but not all, cases as long as it is clear in their grievance procedures when this model will be utilized.
- Schools also have the option to offer an informal resolution process for sex discrimination complaints unless the complaint includes allegations that an employee engaged in sex-based harassment of an elementary school or secondary school student, or unless such a process would conflict with Federal, State, or local law.

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## Protections from Disparate Treatment, Exclusions and Retaliation

- A school must not separate or treat people differently based on sex in a manner that subjects them to more than de minimis harm, except in limited circumstances permitted by Title IX. Preventing someone from participating in school (including in sex-separate activities) consistent with their gender identity causes that person more than de minimis harm.
- The final regulations reinforce that schools must not intimidate, threaten, coerce, or discriminate against someone in order to interfere with their Title IX rights or because they reported sex discrimination, including sexual violence or other forms of sex-based harassment, or participated in, or refused to participate in, the school's Title IX process. The final regulations also make clear that schools must protect students from peer retaliation by other students.

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## Accountability, Training, and Supportive Measures

- The final regulations promote accountability and fulfill Title IX's nondiscrimination mandate by requiring schools to act promptly and effectively in response to information about conduct that reasonably may constitute sex discrimination, including sexual violence and other forms of sex-based harassment.
- These regulations also require that schools train employees about the school's obligation to address sex discrimination, as well as employees' obligations to notify or provide contact information for the Title IX Coordinator.
- Schools are required to offer supportive measures, as appropriate, to restore or preserve a party's access to the school's education program or activity or provide support during a school's grievance procedures or the informal resolution process. Supportive measures cannot be unreasonably burdensome to a party and cannot be imposed for punitive or disciplinary reasons.

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## Framework Accounts for Differences Between K-12 and Post- Secondary

- The final regulations reflect a framework that accounts for differences in the age, maturity, needs, and level of independence of students in various educational settings.
- The final regulations include some requirements that apply in all educational settings as well as specialized requirements that are tailored to the unique situation of sex-based harassment complaints involving postsecondary students.
- This framework is designed to ensure that all elementary and secondary schools and postsecondary institutions provide for the prompt and equitable resolution of sex discrimination complaints in their respective settings.

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## Significant Differences for K-12 Schools

- Students with Disabilities: For the first time, the regulations address the intersection of Title IX and federal disability law in the elementary and secondary school setting.
- If a complainant or respondent is a student with a disability, the Title IX Coordinator must consult with the student's Individualized Education Program (IEP) team to determine how to comply with the requirements of the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act throughout the recipient's implementation of grievance procedures. (34 C.F.R. § 106.44(g))

## Grievance Process

34 C.F.R. 106.2, 106.44(g)

- A novel feature of the new regulations is that they include two sets of grievance procedures—one that applies to all complaints of sex discrimination (§ 106.45) and one that provides additional requirements for sex-based harassment complaints involving a student complainant and/or a student respondent at postsecondary institutions (§ 106.46).

### Procedures that differ from the 2020 regulations:

1. Institutions are again permitted to use the single investigator model, in which the investigator also serves as the decision maker for a single complaint;
2. Institutions must use the preponderance of the evidence standard of proof, unless the institution uses the clear and convincing evidence standard for all other comparable proceedings (e.g., other types of discrimination complaints).

## Grievance Procedures - 2

3. Dismissal is permitted under certain enumerated circumstances, but in contrast to the 2020 regulations, dismissal is never required. Institutions must offer the complainant an opportunity to appeal a dismissal.
4. Significantly, while the 2020 regulations required college and universities to provide both parties an opportunity to appeal the institution's decision following a sexual harassment investigation, institutions are no longer required to offer appeals in cases where neither the complainant nor the respondent are students. Instead, an institution need only offer an appeal process if it does so in all other comparable proceedings, including proceedings relating to other discrimination complaints.

## Differences for K-12 Schools

- Parental Rights: The new regulations differentiate between the legal rights of parents of minors (i.e., under 18) and parents of older students. For example, parents of minors may file a complaint with the Title IX Coordinator on their child's behalf.
- The regulations also make an exception for the confidentiality of personally identifiable information obtained in the course of Title IX procedures, providing that the school may disclose such information to a parent, guardian, or other authorized legal representative with the legal right to receive disclosures. (34 C.F.R. §§ 106.44(j), 106.45(a).)
- Any disclosure to a parent or guardian must comply with overlapping law, including FERPA.

## Significant Differences for K-12 Schools

34 C.F.R. 106.40, 106.57

- **Notice to the School:** Elementary and secondary schools must require all non-confidential employees to notify the Title IX Coordinator when the employee has information about conduct that may reasonably constitute sex discrimination under Title IX. (34 C.F.R. §106.44(c))
- **Informal Resolution:** Informal resolution is not permitted where a complaint includes allegations that an employee engaged in sex-based harassment of an elementary school or secondary school student. (34 C.F.R. § 106.44(k))
- **Grievance Procedures:** The grievance procedures set forth in Section 106.46 of the regulations do not apply to elementary and secondary schools.

## Major Changes from the 2020 Regulations That Affect K-12 and Post-Secondary Education

**U.S. Department of  
Education Releases  
New Title IX  
Regulations**



## Summary Overview of Key Changes from 2020 to 2024

- **Definitions (§ 106.2)** Adds and revises definitions, including complainant, complainant, respondent, and party; confidential employee; disciplinary sanctions; pregnancy or related conditions; relevant; remedies; retaliation and peer retaliation; sex-based harassment; and supportive measures.
- **Administrative requirements (§ 106.8)** Clarifies requirements for designating a Title IX Coordinator, adopting and publishing nondiscrimination policies and grievance procedures, and providing a notice of nondiscrimination. (§ 106.8(a)–(c)). Clarifies which individuals a recipient must train on Title IX and provides requirements for such training, which vary based on an individual's role. (§ 106.8(d)). Requires a recipient to protect the rights of parties who are students with disabilities. (§ 106.8(e)). Clarifies which records a recipient must maintain for at least seven years. (§ 106.8(f)).

## Summary Overview of New Regulations

- **Scope of sex discrimination (§§ 106.2, 106.10)** Clarifies that sex discrimination includes discrimination based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. (§ 106.10). Also clarifies that sex-based harassment includes harassment on these bases and further clarifies when sex-based harassment creates a hostile environment. (§ 106.2)
- **Sex separation and different treatment" (§ 106.31(a)(2))** Clarifies that a recipient must not separate or treat any person differently based on sex in a manner that subjects them to more than de minimis harm, except in the limited specified circumstances permitted by Title IX. Recognizes that preventing a person from participating in a recipient's education program or activity consistent with their gender identity subjects that person to more than de minimis harm.

## Address All Sex Discrimination Occurring Under LEAs Program or Activity

- Title IX requires a recipient to address all sex discrimination occurring under its education program or activity in the United States. Under the final regulations, conduct that occurs under a recipient's education program or activity includes, but is not limited to: conduct that occurs in any building owned or controlled by a student organization that is officially recognized by a postsecondary institution; and disciplinary authority.
- Under the final regulations, a recipient is required to address a sex-based hostile environment in its education program or activity in the United States, even when some conduct alleged to be contributing to the hostile environment occurred outside the recipient's education program or activity or outside the United States. (2020 did not require addressing if it occurred outside the U.S.)

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## Ensuring Recipients Learn of Possible Sex Discrimination

*(§ 106.44(c))*

- The final regulations obligate a recipient to require certain employees to notify the Title IX Coordinator when the employees have information about conduct that reasonably may constitute sex discrimination. This ensures that a recipient learns of possible sex discrimination so it can operate its education program or activity free from prohibited sex discrimination as Title IX requires.
- Any non-confidential employee at an elementary school or secondary school is obligated to notify the Title IX Coordinator. (§ 106.44(c)(1)). (Please note that elementary school and secondary school employees may have additional obligations under Federal, State, or local law to report sex-based misconduct.)

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## Ensuring Reporting in Post-Secondary Setting

- Any non-confidential employee at a postsecondary institution or other recipient who either has authority to take corrective action on behalf of the recipient or has responsibility for administrative leadership, teaching, or advising in the recipient's education program or activity is obligated to notify the Title IX Coordinator. (§ 106.44(c)(2)(i)).
- All other non-confidential employees at a postsecondary institution or other recipient are obligated to either notify the Title IX Coordinator or provide the contact information of the Title IX Coordinator and information about how to make a complaint of sex discrimination to any person who provides the employee with information about conduct that reasonably may constitute sex discrimination. (§ 106.44(c)(2)(ii)).

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## Coordinator Obligation to Monitor Education Program and Activities

- Must also require its Title IX Coordinator to monitor the recipient's education program or activity for barriers to reporting information about conduct that reasonably may constitute sex discrimination and take steps reasonably calculated to address such barriers. (§ 106.44(b)).
- NOTE: The 2020 amendments, require a recipient to respond only when it has "actual knowledge" of allegations of "sexual harassment," and only in a manner that is not deliberately indifferent.
- The 2020 amendments provide that postsecondary institutions have "actual knowledge" when the Title IX Coordinator and employees with authority to institute corrective measures have notice of allegations of sexual harassment, while elementary schools and secondary schools have "actual knowledge" when any employee has notice of such allegations.

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## Parental, Family, or Marital Status; Pregnancy or Related Conditions

(§§ 106.21(c), 106.40, 106.57)

- Prohibits treating students, employees, or applicants differently based on sex in connection with parental, family, or marital status.
- Prohibits discrimination against students, employees, or applicants, based on pregnancy or related conditions. Clarifies requirement to inform students or rights related to pregnancy and related conditions.
- Requires recipients to take actions to prevent sex discrimination and ensure equal access to the recipient's education program or activity, such as by providing reasonable modifications for students, reasonable break time for lactation for employees, and lactation space for students and employees.
- Prohibits schools from requiring documentation from students to obtain reasonable modifications or other actions unless such documentation is necessary and reasonable.

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## Requirements for Coordinators

- Sets out the steps an LEA must require its Title IX Coordinator to take when the recipient has knowledge of conduct that reasonably may constitute sex discrimination, including offering and coordinating supportive measures, when to initiate a complaint, and taking prompt and effective action to end sex discrimination and prevent its recurrence.
- Permits a recipient to offer an informal resolution process except where a complaint includes allegations that an employee engaged in sex-based harassment of an elementary school or secondary school student or if such a process would conflict with Federal, State, or local law.
- Prohibits a recipient from disclosing personally identifiable information obtained while complying with this part, except in limited circumstances.

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## Definition of Complaint

- A “complaint” is defined as an *oral or written* request that can objectively be understood to be a request to investigate and prepare a decision regarding discrimination based on sex, including harassment.
- Sex-based discrimination also now includes discrimination based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.
- Note, however, that comments shared at “public awareness events” at a postsecondary educational institution (“postsecondary institution”) do not constitute complaints.

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## Who May File a Complaint (34 C.F.R. 106.44(c))

- Students, employees and individuals who suffered conduct that could constitute sex discrimination while they were participating or attempting to participate in the institution’s education program or activity may file complaints.
- Individuals will be able to file a Title IX sex discrimination complaint even if they choose to leave the institution’s education program or activity because of the discrimination or for other reasons.
- In contrast, the 2020 regulations limited the Title IX complaint process to current students or employees or to individuals attempting to participate in the institution’s education program or activity.

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## What the Coordinator Must Consider on Whether to Initiate a Complaint

If the complainant fails to submit a complaint or withdraws all allegations in the complaint, the Title IX Coordinator must consider:

1. The complainant's wishes;
2. The complainant's reasonable safety concerns;
3. The risk of additional discrimination;
4. Severity of the allegations, including whether they would justify removing the respondent;
5. Age and relationship of the parties;
6. Scope of the discrimination;
7. Availability of evidence; and
8. whether the LEA can end the discrimination and prevent reoccurrence without a complaint. If the Title IX Coordinator initiates a complaint, the complainant must first be notified, and any safety concerns.

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## Definition of Prohibited Conduct

- The regulations explicitly protects students and employees from all forms of "sex discrimination," including discrimination based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. This includes prohibiting an institution from adopting policies and practices that prevent a person from participating in an institution's education program or activity consistent with the person's gender. I
- The regulations do not provide a standard of definition of what constitutes prohibited sex discrimination defining sex-based harassment.
- Reason: to maintain consistency with Title VII, following SCOTUS ruling in *Bostock v. Clanton County* (2019) and the DOE's concern that a narrower interpretation of sex "could exclude some individuals from Title IX protections that apply to all students.

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## Expansion of “Sex-Based Harassment” (34 C.F.R. §106.10)

- While the 2020 regulations referred only to “sexual harassment,” the new regulations use the term “sex-based harassment” in order to clarify that Title IX prohibits all harassment based on sex, not just harassment that is sexual in nature.
- The new regulations still features three categories of sex-based harassment: (1) quid pro quo; (2) hostile environment; and (3) specific offenses such as sexual assault, domestic violence or stalking. Expands the first two categories.
- The 2024 regulations significant changes the scope of these definitions under Title IX.

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## Sex-Based Harassment Much Broader in 2024

- Quid pro quo harassment is no longer limited to employee respondents. The definition now includes agents or other persons authorized by the school to provide an aid, benefit, or service under the school's education program or activity.
- A hostile environment as “Unwelcome sex-based conduct that is sufficiently severe or pervasive that, based on the totality of the circumstances and evaluated subjectively and objectively, denies or limits a person's ability to participate in or benefit from the recipient's education program or activity.”
- The 2020 regulations had a narrower standard, only prohibiting unwelcome sex-based conduct if it is “so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity.”

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## Hostile Environment Harassment

- A hostile environment occurs when there is unwelcome sex-based conduct that, given 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 recipient's education program or activity.
- Note that this definition of hostile environment harassment is a significant change from the 2020 regulations which required the unwelcome sex-based conduct to be severe, pervasive, and objectively offensive.

## Identifying Hostile Environment Harassment under Title IX

Whether a hostile environment has been created remains a fact-specific inquiry that includes consideration of:

1. the degree to which the conduct affected the complainant's ability to access the education program or activity;
2. the type, frequency, and duration of the conduct;
3. the parties' ages, roles, and other factors about each party that may be relevant to evaluating the effects of the conduct;
4. the location and context of the conduct; and
5. other sex-based harassment in the education program or activity.

## Emergency Removal of a Student

A student respondent may be removed from campus if the removal can be justified by determining through an individualized safety and risk analysis that there is an imminent and serious threat to the health or safety of a complainant or any students, employees, or other persons arising from the allegations.

A student respondent must be provided with notice and an opportunity to challenge the decision immediately following removal from campus. Note that removal is no longer limited to threats of physical safety.

NOTE: LEA must comply with Title IX and the final regulations in the event of a conflict with State law or FERPA, and that Title IX and the final regulations do not override any legal right of a parent, guardian, or other authorized legal representative to act on behalf of a complainant, respondent, or other person.

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## Notice to the Institution Requiring Response

(34 C.F.R. §§ 106.10; 106.2)

### Response Requirements Must be Part of Training

- The 2020 regulations required a response only when the Title IX Coordinator or an official with authority to institute corrective measures had notice of the allegation of sexual harassment.
- 2024: proactive reporting and response requirements by requiring any employee of a postsecondary institution “who has authority to take corrective action” or who “has responsibility for administrative leadership, teaching, or advising in the recipient’s education program or activity,” to notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under Title IX.
- All other non-confidential employees are obligated to either notify the Title IX Coordinator or provide the Coordinator’s contact info to any person who provides the employee with information about conduct that may reasonably constitute sex discrimination.

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## Educational Program or Activity (34 C.F.R. 106.2, 106.45(a) (2))

- The 2020 regulations did not require an institution to respond to allegations occurring outside their program or activity or outside the U.S.
- The new regulations require an institution to address sex based hostile environment allegations in its education program or activity in the United States, including (1) conduct that occurs in any building owned or controlled by a student organization officially recognized by the institution or (2) conduct subject to discipline under the institution's policies.
- The institution must respond to notice of sex-based harassment even if some of the alleged conduct occurred outside the program, activity, or outside the U.S.

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## Obligation to Respond (34 C.F.R. 106.11)

- The 2020 regulations required institutions to “respond promptly to Title IX sexual harassment in a manner that is not deliberately indifferent, which means a response that is not clearly unreasonable in light of the known circumstances.”
- Now, institutions must act “promptly and effectively” to end any prohibited sex discrimination that has occurred in their education programs or activities, prevent its recurrence, and remedy its effects. Complaints can be presented orally or in writing, whereas the 2020 regulations only required institutions to investigate formal complaints filed by the complainant in writing or signed by the Title IX coordinator.
- The DOE clarified that section 106.44(a) does not intend to hold LEAs to a standard of strict liability for any sex discrimination that occurred, even if it had no knowledge of the conduct (e.g. if it occurred before an employee becomes aware of it).

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## Removal of Geographic Limitations on Title IX Responsibilities

(34 C.R.R. 106.11)

- Covers conduct outside the institution and even outside the U.S. Focus should not be on whether the alleged misconduct happened on or off campus, “but rather on whether the recipient has disciplinary authority over the respondent’s conduct in the context which it occurred.” There is no distinction between discrimination that occurs in person and that which occurs online.
- The final regulations permit schools to exercise authority under the law to consider some conduct that occurs outside an institution’s educational program or activity, when that conduct is a contributing factor to the alleged hostile educational environment.
- A school is not required to respond independently to an incident that outside the educational activity or program.

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## Transparent and Reliable Process

- The final regulations strengthen requirements for schools to conduct reliable and impartial investigations of all sex discrimination complaints.
- The final regulations maintain several major provisions from the current regulations to ensure consistency for schools while updating required procedures to more effectively protect against sex discrimination in the nation’s elementary schools, secondary schools, and postsecondary institutions.
- All schools must treat complainants and respondents equitably. • Title IX Coordinators, investigators, decisionmakers, and facilitators of an informal resolution process must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- *Policy language should specify these requirements will be fulfilled.*

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## Reliable and Transparent Investigations

- The school's decisionmakers must objectively evaluate each party's relevant and not otherwise impermissible evidence.
- A school must have a process enabling the decisionmaker to assess a party's or witness's credibility when credibility is in dispute and relevant. For sex-based harassment complaints involving a student party at a postsecondary institution, this process must include either: questioning by the investigator or decisionmaker during individual meetings with a party or witness (including questions proposed by each party), or questioning by the decisionmaker during a live hearing (including questions proposed by each party and asked by the decisionmaker or the party's advisor).
- *Policy language should specify these requirements will be fulfilled.*

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## Investigation Process

- In evaluating the parties' evidence, a school must use the preponderance of the evidence standard of proof unless the school uses the clear and convincing evidence standard in all other comparable proceedings, including proceedings relating to other discrimination complaints, in which case the school may use that standard in determining whether sex discrimination occurred.
- A school must not impose disciplinary sanctions under Title IX on any person unless it determines at the conclusion of grievance procedures that sex discrimination for which the person was responsible has occurred.
- *Policy language should specify these requirements will be fulfilled.*

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## Evidence Review

- The LEA must continue to review all evidence and provide both parties with equal opportunity to review the relevant evidence or to review an accurate description of the evidence.
- If a description of the evidence is provided, the parties shall be notified of the right to review the evidence upon which the description was based. Current regulations require providing any evidence that is directly related to the allegations.
- The two evidence review periods in the 2020 Title IX Regulations were replaced with a requirement to provide the parties “a reasonable opportunity to respond” to the evidence or the accurate description of the evidence. LEAs must take reasonable steps to prevent the parties from unauthorized disclosure outside of the process.
- *Policy language should specify these requirements will be fulfilled.*

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## No Longer Have Mandatory Dismissal Grounds for a Complaint

Complaints *may* be dismissed if

1. the respondent is unidentifiable even after a reasonable attempt to identify the respondent;
2. the respondent is not participating in the educational program or activities or is not employed by the LEA;
3. the complainant voluntarily withdraws some or all of the allegations and any remaining allegations would not constitute discrimination under Title IX; or
4. the allegations, even if proven, would not violate Title IX after reasonable efforts have been made to clarify the allegations with the complainant. A dismissal may be appealed.

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# Supportive Measures

(34 C.F.R. 106.44(k))

- Under the new rules, institutions must offer supportive measures as appropriate to restore or preserve a person's access to the education programs or activities or provide support during the grievance process.
- Supportive measures are available in the absence of a formal complaint or after a complaint dismissal.
- Supportive measures must be designed to protect the parties' safety or educational environment. They cannot be "unreasonably burdensome" to either party or imposed for punitive or disciplinary reasons. Must give parties an opportunity to seek modification or reversal of a decision to provide, deny, modify, or terminate supportive measures applicable to them.
- *Policy language should specify these requirements will be fulfilled and customized approaches to supportive measures should be identified.*

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# Sex-Based Harassment Complaint Procedures for Student Parties

1. The regulations no longer require a live hearing. Institutions using a single-investigator model must include a process for assessing credibility through party questioning by the decisionmaker. The regulations note that in some jurisdictions, hearings are required.
2. The 2020 regulations required that each party's advisor conduct cross-examination directly, orally, and in real time during a live hearing. If the postsecondary institution holds a live hearing, it may allow an advisor to conduct live cross-examination or allow the parties to propose relevant and not otherwise impermissible questions for the decisionmaker or investigator to ask during an individual meeting.
3. If a postsecondary institution permits advisor-conducted questioning and a party does not have an advisor, the institution must provide the party with an advisor of its choice, free of charge to

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## Post Secondary Optional Live Hearing

- Postsecondary institutions may, but are no longer required to, have a live hearing. If a postsecondary institution opts not to have a live hearing, it must still provide the decisionmaker with an opportunity to assess a party or witness's credibility when credibility is in dispute and relevant.
- Decisionmakers or investigators may meet with parties separately, subsequently share a recording or transcript of that meeting with the other party(ies), solicit their follow-up questions, and then go back to another set of meetings to pose those questions, so long as they are relevant and/or address credibility.

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## Transparent and Effective Grievance Procedures

- A school's grievance procedures must include a presumption that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of the school's grievance procedures.
- A process for assessing credibility when it is in issue;
- A school's grievance procedures must require adequate notice to the parties of the allegations, dismissal, delays, meetings, proceedings, and determinations.
- A school's grievance procedures must give the parties an equal opportunity to present and access relevant and not otherwise impermissible evidence, as well as provide a reasonable opportunity for each party to respond to that evidence.
- *Policy language should specify how these requirements will be fulfilled.*

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## Grievance Procedures for All LEAs

Requires grievance procedures for all sex discrimination complaints that include the following requirements:

- Equitable treatment of complainants and respondents. (§ 106.45(b)(1)).
- Conflict-of-interest and bias-free Title IX Coordinators, investigators, and decisionmakers. (§ 106.45(b)(2)).
- Presumption that the respondent is not responsible until a determination is made. (§ 106.45(b)(3)).
- Reasonably prompt timeframes for all major stages. (§ 106.45(b)(4)).
- Reasonable steps to protect privacy of parties and witnesses during the grievance procedures. (§ 106.45(b)(5)).
- Objective evaluation of relevant evidence and the exclusion of impermissible evidence. (§ 106.45(b)(6)–(7)).

## Grievance Procedures Requirements for All LEAs - 2

- If a recipient adopts procedures that apply to the resolution of only some complaints, articulate principles for how the recipient will determine which procedures apply. (§ 106.45(b)(8)).
- Notice of allegations to the parties. (§ 106.45(c)).
- Permitted dismissals in certain circumstances so long as the recipient offers an appeal and, as appropriate, supportive measures, and takes other steps to ensure sex discrimination does not continue or recur. (§ 106.45(d)).
- Permitted consolidation of complaints in certain circumstances. (§ 106.45(e)).
- Burden on the recipient to gather evidence and decide what is relevant or impermissible. (§ 106.45(f)(1), (3)).

## Grievance Procedures - 3

- Use of a preponderance of the evidence standard of proof to determine whether sex discrimination occurred, unless the clear and convincing evidence standard is used in all other comparable proceedings, in which case that standard may be used. (§ 106.45(h)).
- If it is determined that sex discrimination occurred, remedies for the complainant or others; disciplinary sanctions for those found responsible; and other appropriate prompt and effective steps to ensure that sex discrimination to continue or recur. (§ 106.45(h)(3)).
- An appeal process that is at least the same as that offered in comparable proceedings. (§ 106.45(i))
- Equal application of any additional provisions to the parties. (§ 106.45(j)).
- The option for parties to participate in informal resolution processes, if available. (§ 106.45(k)).

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## Additional Requirements for Grievance Procedures for Sex-Based Discrimination with Post-Secondary Students

- Written notice to the parties of allegations, dismissal, delays, meetings, and proceedings. (§ 106.46(c)–(e)).
- Equal opportunity for each party to have an advisor of the party's choice. (§ 106.46(e)(2)).
- Equal opportunity to access the relevant and not otherwise impermissible evidence or an investigative written report (and if the institution provides access to an investigative report, it must provide access to the underlying evidence upon the request of any party); a reasonable opportunity to respond; and a requirement that the recipient take reasonable steps to prevent and address unauthorized disclosures. (§ 106.46(e)(6)).

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## Post-Secondary Additional Requirements for Sex-Based Harassment - 2

- A process for assessing credibility when credibility is in dispute and relevant, including questioning a party or witness during individual meetings or in a live hearing. (§ 106.46(f)).
- Where a recipient opts to provide a live hearing, procedures for such a hearing. (§ 106.46(g)).
- Written determination provided simultaneously to the parties. (§ 106.46(h)) (§ 106.46(i)).
- An opportunity to appeal a determination (§ 106.46(i)).
- 

## Appeal Processes through Grievance Procedures

- In addition to the grounds for appeals established in the 2020 Title IX Regulations (procedural irregularity, new evidence, or a conflict of interest or bias), an LEA, at a minimum, must also provide an appeal process comparable to similar proceedings relating to other discrimination complaints.
- Examples for K-12 institutions include the appeal procedures under the UCP (BP/AR 1312.3) and the policies prohibiting discrimination in employment typically found in BP/AR 4030/4031.
- Appeal options for postsecondary institutions may include the appeal procedures found under an institution's complaint policies which are compliant with Title 5 and SB 493.

# Informal Resolution

(34 C.F.R. 106.2, 106.44 (a) (f))

- Allows informal resolution even in the absence of a formal complaint. Participation in informal resolution must be voluntary.
- However, cannot offer informal resolution where the complaint alleges an employee engaged in sex-based harassment of an elementary or secondary school student.
- Increased discretion and flexibility for investigation and resolution to account for variations in school size, student populations, and administrative structures.
- Allows schools to return to the single-investigator model, where the decision maker is the same person as the Title IX Coordinator or investigator. Also, no longer mandates live hearings and cross-examination at the post secondary level.

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## More on Resolutions and Hearings

- Section 106.46(f) provides that postsecondary institutions must allow either (1) questioning by the investigator or decisionmaker during individual meetings when there is no live hearing or (2) questioning by the decision maker in a live hearing.
- Consistent with the 2020 regulations, the final regulations do not require live hearings at the elementary school and secondary level.
- Under Section 106.44(k), a school may offer an informal resolution process upon receipt of a sex discrimination complaint or when it has information about conduct that reasonably may constitute sex discrimination (regardless of whether a complaint is initiated). The informal resolution process is not available in cases involving allegations that an employee engaged in sex-based harassment of an elementary school or secondary school student, or if such a process would conflict with law.

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## Changes to Reporting Obligations

- The 2024 Title IX Regulations redefine which employees in the K-12 and postsecondary schools have an obligation to report.
- Under the 2024 Title IX Regulations, all non-confidential K-12 employees must notify the Title IX Coordinator when they have information about conduct that may reasonably constitute sex discrimination.
- In postsecondary institutions, non-confidential employees who (1) have the authority to take corrective action, (2) hold administrative leadership responsibilities, or (3) hold teaching or advising responsibilities must notify the Title IX Coordinator.
- All other non-confidential employees at postsecondary institutions have the option to either notify the Title IX Coordinator or to provide the potential complainant with the Title IX Coordinator's contact information and how to file a complaint.

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## Non-Retaliation

(34 C.F.R. 106.45, 106.46)

- While the 2020 regulations prohibited retaliation, they did not include a definition of the term.
- The new regulations define retaliation as "intimidation, threats, coercion, or discrimination against any person by the recipient, a student, or an employee or other person authorized by the recipient to provide aid, benefit, or service under the recipient's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or [the regulations], or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing" under the regulations.
- The institution may require employees to participate as witnesses or to assist with an investigation, proceeding, or hearing.

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# Pregnancy Discrimination

(34 C.F.R. 106.2, 106.71(b))

- The new regulations feature new provisions that clarify an institution's obligation to protect students and employees from discrimination based on pregnancy or related conditions, including by providing reasonable modifications for students, reasonable break time for employees for lactation, and lactation space for both students and employees.
- The regulations modernize and clarify Title IX's longstanding prohibition against treating parents differently on the basis of sex, including by defining "parental status" to include, for example, adoptive parents, stepparents, or legal guardians.
- Requires employees and the Title IX coordinator to provide certain information and resources to a student upon learning of the student's pregnancy or related medical conditions.

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# Pregnancy Discrimination and Reasonable Accommodations

- The final regulations clarify that Title IX recipients must protect students, employees, and applicants from discrimination based on pregnancy, childbirth, termination of pregnancy, lactation, related medical conditions, or recovery (§ 106.2), including by providing reasonable modifications for students (including Section 106.40(b)'s requirement to provide a pregnant student with the Title IX coordinator's contact information), reasonable break time for employees for lactation (§ 106.57(e)(1)), and a clean, private lactation space for both students and employees (§§ 106.40(b)(3)(v) and 106.57(e)(2))
- Sections 106.40(b)(3)(v) and 106.57(e) of the final regulations require Title IX recipients to assure students and employees have access to a lactation space, "which must be a space other than a bathroom that is clean, shielded from view, free from intrusion from others," that may be used for "expressing breast milk or breastfeeding as needed."

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## Changes to Training Requirements



## Training Requirements for Expertise and Accountability

**All Employees:** The 2024 Title IX Regulations require all employees to be trained on the following specifics:

1. the LEA's obligation to address sex discrimination in its education program or activity;
2. the scope of conduct that constitutes sex discrimination under Title IX, including the definition of "sex-based harassment;" and
3. all applicable notification and information requirements.

**Informal Resolution Process Facilitators:** Facilitators of the informal resolution process must also be trained on the rules and practices associated with the recipient's informal resolution process and how to serve impartially, including avoiding conflicts of interest and bias.

## In Depth Training for Investigators, Decisionmakers, Other Employees Implementing Grievance Procedures

- The 2024 Title IX Regulations require training for all persons who will implement and enforce process.
- This includes investigators, decisionmakers, and other persons responsible for implementing the Title IX grievance procedures or who have the authority to modify or terminate supportive measures.

### Training on the following items:

1. the recipient's obligations under Title IX;
2. the grievance procedures;
3. how to serve impartially by avoiding prejudice, conflicts of interest, and bias;
4. understanding the meaning and application of the term "relevant" in relation to questions and evidence; and the types of evidence that are impermissible regardless of relevance.

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## Title IX Coordinators Must be Trained on All Aspects of the LEAs Compliance Requirements

***Title IX Coordinators:*** Title IX Coordinators and their designees must also be trained on the following:

1. their specific responsibilities, roles, and compliance mandates;
2. the recipient's recordkeeping system; and
3. Title IX recordkeeping requirements.

This is in addition to any other training necessary to coordinate the recipient's compliance with Title IX

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## Respecting Complainant Autonomy with Confidential Reporting

- To ensure that a recipient's education program or activity is free from sex discrimination while also respecting complainant autonomy, the final regulations require a recipient to provide clear information and training (§ 106.8(d)) on when their employees must notify the Title IX Coordinator about conduct that reasonably may constitute sex discrimination (§ 106.44(c)) and how students can seek confidential assistance (§ 106.44(d)) or make a complaint of sex discrimination requiring the recipient to initiate its grievance procedures. (§ 106.45(a)(2)).
- Final rule identifies three categories of confidential employees who are not required to notify the Title IX Coordinator about conduct that reasonably may constitute sex discrimination. Instead, these employees must provide information to anyone who informs the confidential employee of conduct that reasonably may constitute sex discrimination about their status as confidential for purposes of Title IX, how to contact the Title IX Coordinator, how to make a complaint, and how the Title IX Coordinator can help. (§§ 106.2 and 106.44(d)).

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## Basic Information for Enacting and Enforcing Policies and Procedures



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## Tips for Tackling New and Existing Title IX Obligations

1. Review the 2024 Title IX Regulations and existing institutional policies to determine what policies and practices should be amended to ensure compliance with the 2024 Title IX Regulations by August 1, 2024.
2. Determine how to effectively implement the 2024 Title IX Regulations with the goal of ensuring full compliance by your LEA.
3. Key individuals whose input and support is critical: Superintendent (or President for colleges), Title IX Coordinators, student services administrators, special education administrators, board policy subcommittees, and legal counsel.

## Nondiscrimination Policy & Notice of Nondiscrimination (§106.8 (b))

- Section 106.8(b) of the 2024 amendments requires each recipient to adopt, publish, and implement a nondiscrimination policy. A recipient has discretion over the content of its nondiscrimination policy.

The following sample nondiscrimination policy meets the minimum requirements of the 2024 amendments:

- [ABC School] does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and its regulations, including in admission and employment.
- Inquiries about Title IX may be referred to [ABC School's] Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights, or both.

## Non-Discrimination Policy

- [ABC School's] Title IX Coordinator is [name or title, office address, email address, and telephone number]. [ABC School's] nondiscrimination policy and grievance procedures can be located at [include link to location(s) on website or otherwise describe location(s)].
- To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please refer to [include link to location(s) on website or otherwise describe location(s)].

## Notice and Posting of Non-Discrimination Policy

- The 2024 amendments require each recipient to prominently include all elements of its notice of nondiscrimination on its website and in each handbook, catalog, announcement, bulletin, and application form that it makes available to people entitled to notice, or which are otherwise used in connection with the recruitment of students or employees.
- If necessary, due to the format or size of any publication, the 2024 amendments provide that a recipient may instead include in those publications the information covered in the following statement:
- [ABC School] prohibits sex discrimination in any education program or activity that it operates. Individuals may report concerns or questions to the Title IX Coordinator. The notice of nondiscrimination is located at [insert website address]

## Sample Grievance Policy and Procedure Language

- Regulations each recipient to adopt, publish, and implement grievance procedures for the prompt and equitable resolution of complaints of sex discrimination, consistent with the requirements of § 106.45.

The following statement published in a recipient's grievance procedures would accurately summarize this general requirement:

- [ABC School] has adopted 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 its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.
- The 2024 amendments do not require elementary schools and secondary schools to comply with § 106.46. Post-secondary schools must do so.

## Written Grievance Procedure Must Include Specific Components

The following people have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that [ABC School] investigate and make a determination about alleged discrimination:

A "complainant," which includes:

- a student or employee of [ABC School] who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
- a person other than a student or employee of [ABC School] who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in [ABC School's] education program or activity; or
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- [ABC School's] Title IX Coordinator.

## Written Grievance Procedure Components - 2

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:

- Any student or employee [of ABC School]; or
- Any person other than a student or employee who was participating or attempting to participate in [ABC School's] education program or activity at the time of the alleged sex discrimination.
- [ABC School] may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances.<sup>7</sup> When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

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## Written Policies – Grievance Procedures Components

[ABC School] has established the following timeframes for the major stages of the grievance procedures: [DESCRIBE REASONABLY PROMPT TIMEFRAMES, for major stages, including for example, evaluation (i.e., the decision whether to dismiss or investigate a complaint); investigation; determination; and appeal, if any]. [ABC School] has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay: [DESCRIBE PROCESS].

[ABC School] will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will 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 grievance procedures. The parties cannot engage in retaliation, including against witnesses.

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## Grievance Procedures – Language for Evaluation of Evidence

- [ABC School] will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person’s status as a complainant, respondent, or witness.
- The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant’s consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.
- Other parts of policy should specify in detail how evidence will be evaluated through investigation, how credibility assessments are made, and how determinations are made on whether sex discrimination occurred, or whether dismissal of the complaint is in order.

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## Notice of Allegations Sample Language

Upon initiation of [ABC School]’s Title IX grievance procedures, [ABC School] will notify the parties of the following:

- [ABC School’s] Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited; and
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence.

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## Policy Language Regarding Description and Maintenance of Evidence

- [If [ABC School] provides a description of the evidence: The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.]
- If, in the course of an investigation, [ABC School] decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, [ABC School] will notify the parties of the additional allegations.
- Policy should specify how evidence will be gathered, vetted for authenticity and veracity, and maintained during and after the investigation.

## Sample Basic Investigation Policy

[ABC School] will provide for adequate, reliable, and impartial investigation of complaints.

The burden is on [ABC School]—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

[ABC School] will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

[ABC School] will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

## Sample Basic Policy Language for Investigations - 2

[ABC School] will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

- [ABC School] will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. [If [ABC School] provides a description of the evidence: [ABC School] will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.];
- [ABC School] will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
- [ABC School] will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures.

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## Sample Basic Policy Language Describing Investigation Procedures

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by [ABC School] to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;

A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless [ABC School] obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and

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## Other Aspects of Policy Development

- How Determinations will be made on whether sex discrimination occurred – burden of proof, evidentiary considerations, determinations and credibility assessments.
- Informal Resolution, if offered:.
- Supportive Measures.
- Disciplinary Sanctions and Remedies: Following a determination that sex-based harassment occurred, [ABC School] may impose disciplinary sanctions, which may include [LIST OR DESCRIBE RANGE]. [ABC School] may also provide remedies, which may include [LIST OR DESCRIBE RANGE].

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## Policy Language – Dismissal of Complaint

[ABC School] may dismiss a complaint of sex discrimination if: [ABC School] is unable to identify the respondent after taking reasonable steps to do so;

- The respondent is not participating in [ABC School's] education program or activity and is not employed by [ABC School];
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and [ABC School] determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- [ABC School] determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, [ABC School] will make reasonable efforts to clarify the allegations with the complainant.

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## Dismissal Policy Should also Include Specifics that are Customized

- Basis for dismissal: Procedural irregularity that would change the outcome; new evidence that would change the outcome and that was not reasonably available when the dismissal was made; or the Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.
- Appeal rights
- How [ABC school] will handle appeal – detailed procedures
- Supportive measures independent of the results of complaint dismissal and appeal

## A Word About this Material

This handout accompanies a webinar for NBSIA. While the information is accurate and up to date, it is not intended to, and does not constitute, legal advice.

For specific legal advice on any matter, whether in any current matter or merely anticipated, use the legal help line or contact a qualified attorney.

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