



TITLE IX COORDINATOR TRAINING

Day Two | September 2, 2025

INTRODUCTIONS



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DISCLAIMER

This presentation shall not constitute legal advice, nor create an attorney-client relationship. This presentation is for informational purposes only.

If you have any specific legal questions or require legal advice for specific situations, please contact or refer to your institutional, general, or outside counsel.





“notice of sexual harassment or allegations of sexual harassment to a recipient’s Title IX Coordinator or any official of the recipient who has the authority to institute corrective measures on behalf of the recipient, or to any employee of an elementary and secondary school.”

- Does not impose universal mandatory reporting obligations upon all postsecondary institution employees
 - Institutions retain ability to designate which employees must report disclosures, & others who are confidential

ACTUAL NOTICE or KNOWLEDGE

DELIBERATE INDIFFERENCE

- Requires institution with actual knowledge to respond “promptly in a manner that is not *deliberately indifferent*”
- Meaning “not clearly unreasonable in light of the known circumstances”

What makes a response deliberately indifferent?

- Inadequate
- Willfully indifferent, or clearly unreasonable
- Causes harm, or denies complainant educational benefits

Example: failure to conduct a proper investigation considering actual knowledge of misconduct, failed to provide appropriate support or remedies for the complainant

REQUIRED RESPONSE TO REPORTS

- Treat parties equally
- Promptly offer supportive measures
- Explain formal complaint filing
- Follow a compliant grievance process before sanctions
 - Objective evidence evaluation
 - TIX staff are trained & free of bias or conflict
 - Presumption of non-responsibility
 - Reasonably prompt resolution
 - Standard of evidence
 - Appeal
 - Legal privileges



REASONABLY PROMPT TIMEFRAMES



- Includes appeals & informal resolution
- Temporary delays with notice
 - 129-B: 10 day delay for law enforcement
- How long???
 - Not defined
 - Flexibility
 - 2001 Guidance
- Balance promptness with diligence
- Resource considerations



CONFIDENTIALITY & PRIVACY

- Privacy of reports is expected
- Responsible Employees
- Confidentiality of reports is rare
- 129-B limits sharing & re-disclosure

FERPA “RECORDS?”



FERPA protects “education records,” which are generally defined as records that are directly related to a student & maintained by an educational agency or institution or by a party acting for the agency or institution.

- For a record to directly relate to a student, the student must be the focus of the record, not simply in the background or incidental to a report.
- The Supreme Court has described education records as “institutional records kept by a single central custodian, such as a registrar ...”
 - In other words, for FERPA to apply, the record in question must be systematically maintained by the school.

CONFLICTS BETWEEN FERPA & TITLE IX

- Interpret statutes in a manner to avoid any conflicts, if possible
- Section 106.6 (Effect of Other Requirements and Preservation of Rights) of the Final Rule states as follows:
 - Effect of Section 444 of General Education Provisions Act (GEPA/FERPA). The obligation to comply with Title IX & the Final Rule is not obviated or alleviated by FERPA.
- When conflict exists, institutions are required to comply with Title IX regulations - this FERPA override is known as “GEPA override”
 - Title IX includes federally protected due process rights - constitutional override
- May not use FERPA as a shield to avoid complying with Title IX



DISCLOSURE OF EVIDENCE



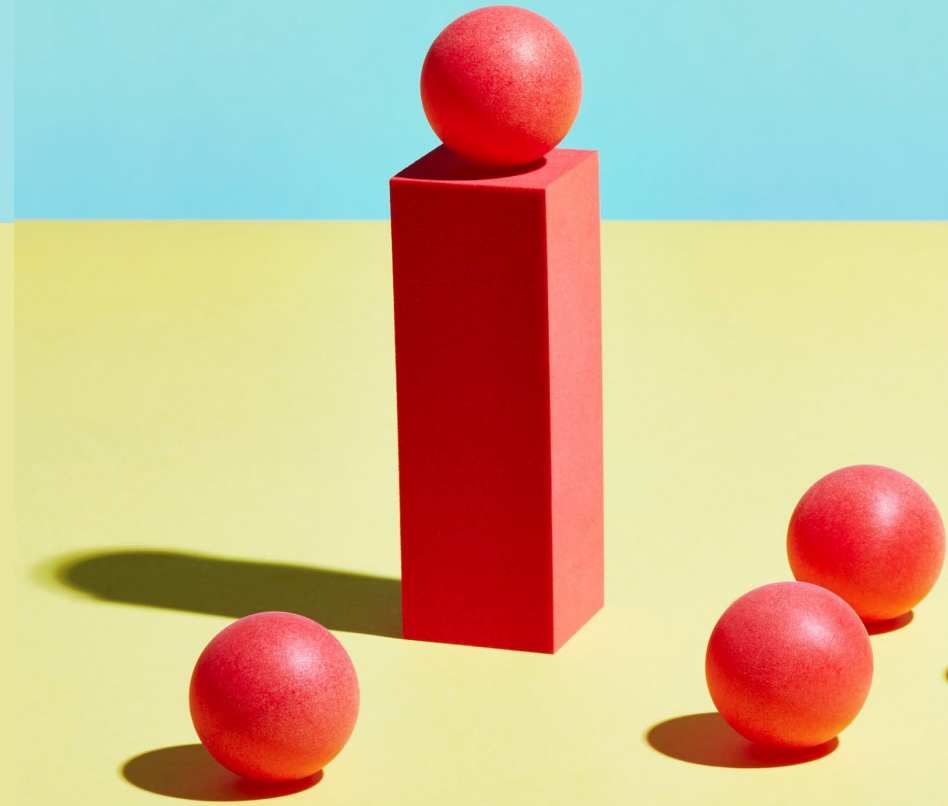
- The Final Rule requires the institution to share relevant evidence with the parties.
- Department has previously recognized that under FERPA, an eligible student:

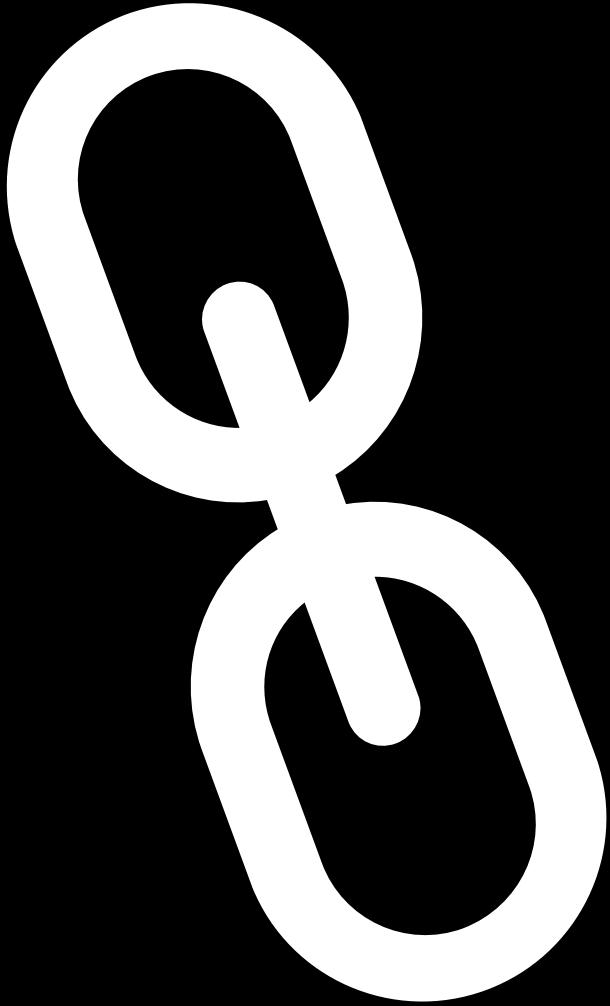
“has a right to inspect & review any **witness statement that is directly related to the student**, even if that statement contains information that is also directly related to another student, **if the information cannot be segregated & redacted without destroying its meaning.**”

SUPPORTIVE MEASURES

Under Section 106.44 of the Final Rule, there are certain non-disclosure protections related to supportive measures.

- FERPA does not prevent the institution from disclosing a supportive measure to school officials as necessary to provide the measure.
- Revised to protect the unnecessary disclosure of information related to these measures.
- Even if permitted by FERPA, institution may only inform one party of supportive measures provided to the other party if necessary to restore or preserve access to the party receiving measure.





- The Final Rule permits multiple reports with multiple parties to be consolidated into one, which raises potential privacy concerns.
- The Department stated that this section of the Final Rule must be interpreted consistent with FERPA.
- Regulations provide institutions with the *option* to consolidate but do not *require* it to do so.
- An institution may not choose to consolidate if that consolidation would give rise to FERPA violations.

CONSOLIDATION & FERPA

ADVISORS

The Department acknowledges that the presence of an advisor may violate FERPA.

- The right to an advisor is a due process right guaranteed by Title IX.
- Title IX will override the FERPA concerns here.
- GEPA override will allow the sharing of evidence with advisors.
- Institutions are not required to permit more than one advisor to accompany a party & the GEPA override will not apply there.



ADVISOR

| STATS | |
|--------------|----|
| TNC | 89 |
| SPD | 95 |
| PWR | 92 |
| CRT | 99 |

COMPLAINANT OUTREACH & INTAKE



DESIGNATING RESPONSIBLE & CONFIDENTIAL
EMPLOYEES

LIST OF RESPONSIBLE & CONFIDENTIAL
EMPLOYEES

DISCLOSURE OF STATUS TO STUDENTS

TRAINING & FERPA CONSIDERATIONS

INCLUSION IN CAMPUS POLICY

THE MECHANICS OF INTAKE



INCIDENT INFORMATION

TYPE OF ALLEGED HARASSMENT

CRITICAL INCIDENT RESPONSE

OFFICE VISIT FOLLOW-UP/DELAYED REPORT

SUPPORTIVE MEASURES

STUDENT RIGHTS INFORMATION REVIEW

SUPPORTIVE MEASURES

| TYPE | CONSIDERATIONS |
|-----------------------|---|
| SAFETY | Reasonable accommodations |
| HEALTH | Medical, Mental |
| HOUSING | Room lock change, designated emergency space |
| RESTRICTIONS | One-way or Mutual No Contact Order (NCO) |
| ACADEMIC | Course accommodations, course changes, Professor notifications, leave of absence, withdrawal assistance |
| WORK | On/Off Campus employment |
| FACILITY BASED | Gym, library, dining, University events, etc. ... |
| RECREATIONAL | Student group, athletic team, internship program |



Is This a Title IX Grievance Process Case?*

Report made to Title IX Coordinator

Is the complainant currently participating in or attempting to participate in your programs (i.e. an employee, student, applicant, etc.?)

Yes

No

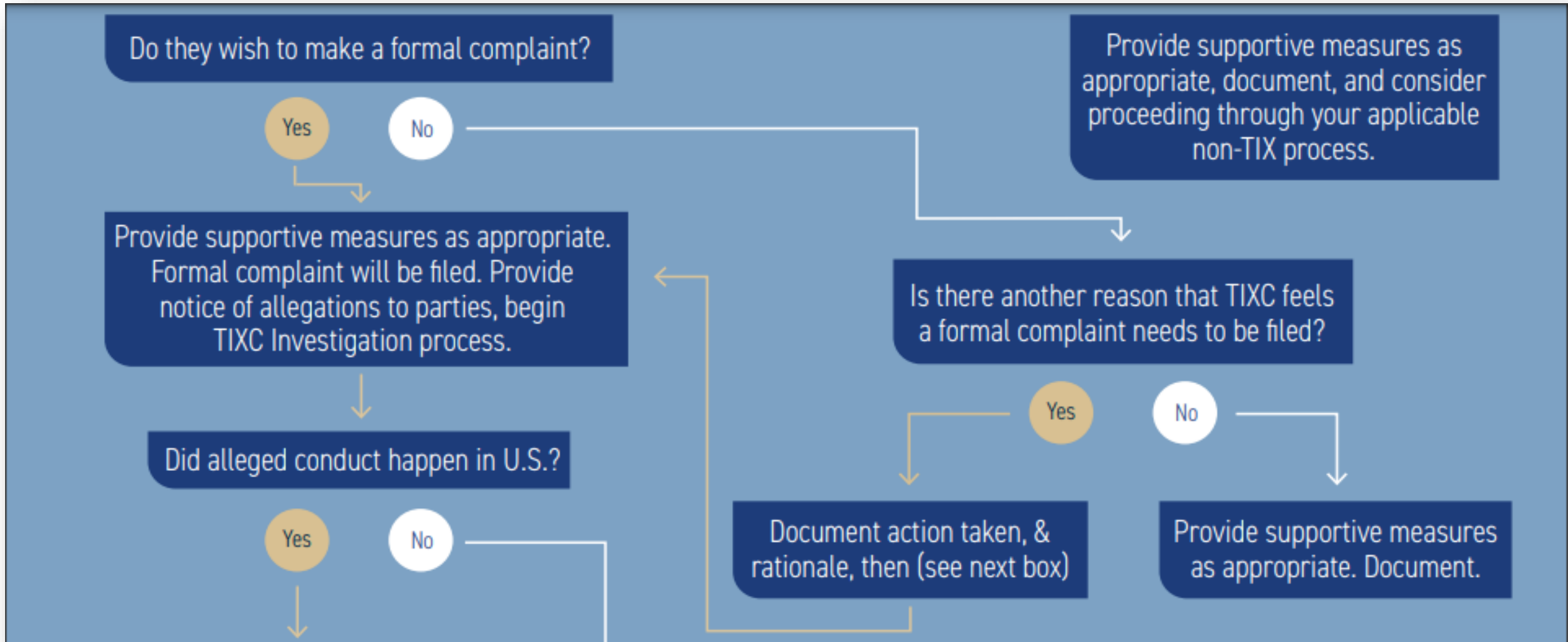
Do they wish to make a formal complaint?

Yes

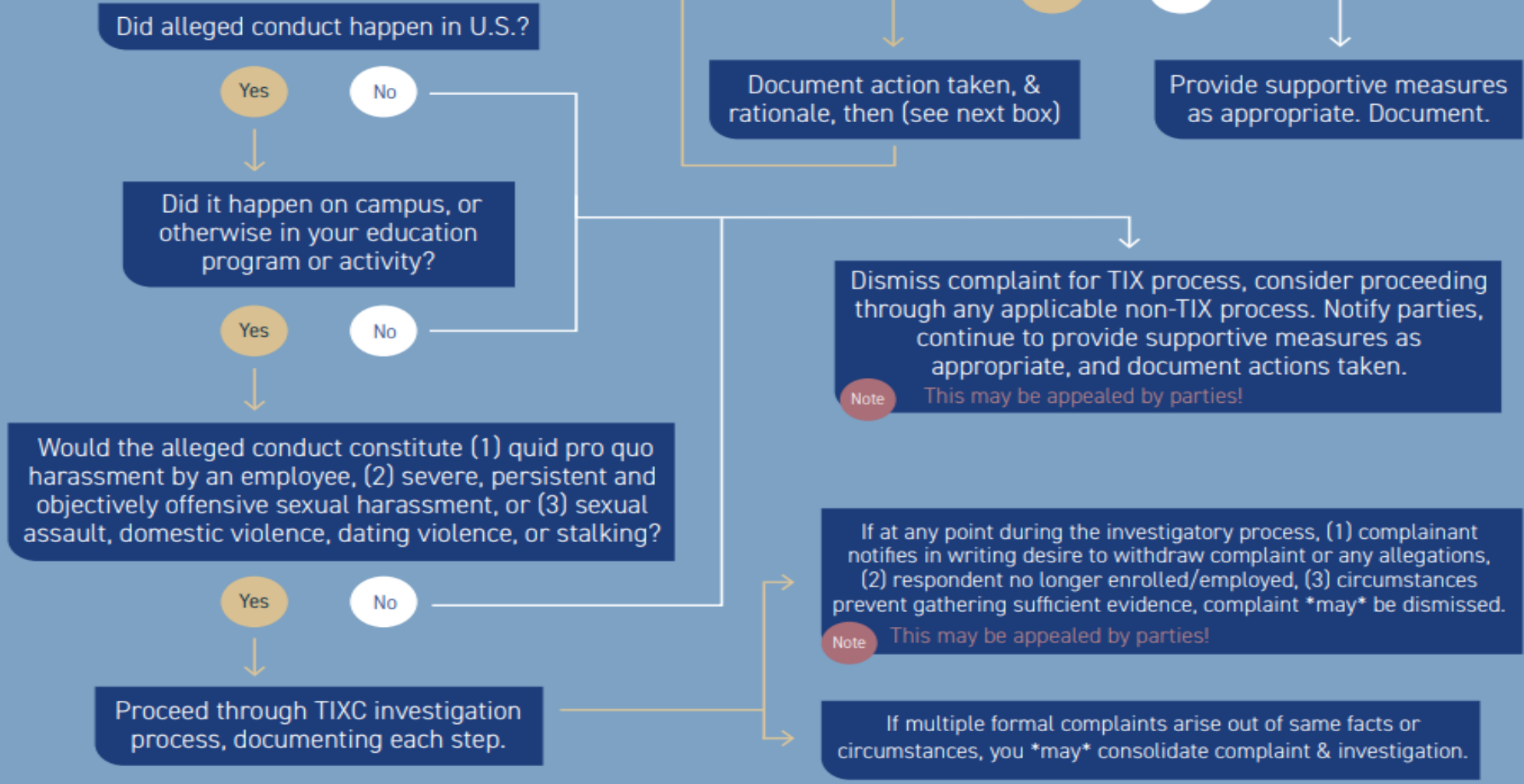
No

Provide supportive measures as appropriate, document, and consider proceeding through your applicable non-TIX process.

DECISION TREE, PT. 1



DECISION TREE, PT. 2



**This Decision Tree is intended to capture the most foreseeable routes that a matter may take, but it cannot cover every circumstance that may arise. Please consult with your campus counsel for specific circumstances and questions.*

DECISION TREE, PT. 3

TITLE IX SCOPE

Assess scope of report

Assess jurisdiction

Review complainant intentions

JURISDICTION ASSESSMENT

What About Complainant Autonomy?

Utilize proper policy/process
Explore desired level of participation
Determine if TIXC-initiated complaint needed

**Autonomy exists but does not allow
improper choice of law or due process!**

TITLE IX COORDINATOR INITIATED COMPLAINT

- Complainant's request not to proceed;
- Complainant's safety concerns about proceeding;
- Risk of additional discrimination;
- Severity of the allegations;
- Age, relationship, and status (i.e. employee) of the parties;
- Scope of the prohibited conduct
 - is there a pattern? Multiple complaints?
- Availability of evidence;
- Whether the school could end the discrimination & prevent its recurrence;
- Whether the conduct as alleged presents an imminent & serious threat to health or safety;
- Whether the conduct alleged prevents the institution from ensuring equal access.

REMEMBER: THE COMPLAINANT WILL STILL BE THE COMPLAINANT & IS ENTITLED TO THE SAME RIGHTS.

INCORPORATING DISABILITY LAW

- Obligation to provide reasonable accommodations
- Good cause delays & extensions
- Mental health considerations
- Overlap with Supportive Measures
- Evidence accessible
- Support persons
- Equitable treatment
- Accused person with disabilities
 - Severe, pervasive, & objectively offensive
 - Sanctioning considerations

Institutions **must** investigate all “formal complaints” filed with the Title IX Coordinator

WHO CAN FILE A FORMAL COMPLAINT?

- Person currently participating in the educational programs or activities of the institution
- Person **attempting** to participate in those programs or activities
- The Title IX Coordinator

Multiple complaints arising from same incidents can be consolidated

ACTION ITEMS

PREPARATION

- Challenges of virtual work
- Varied familiarity of the process
- Delayed report
- Non-responsive

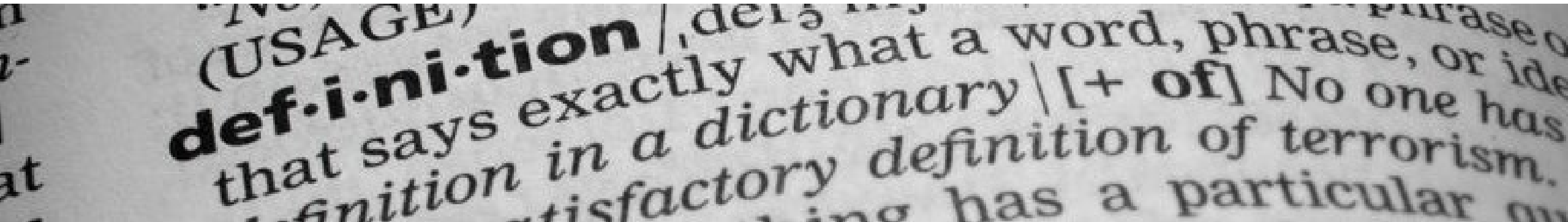
IF NON-RESPONSIVE

- Determination on next steps



THE FORMAL COMPLAINT

DEFINITION OF FORMAL COMPLAINT



A DOCUMENT:


- filed by a complainant or signed by the Title IX Coordinator
- alleging sexual harassment against a respondent &
- requesting that the recipient investigate the allegation of sexual harassment.

COMPLAINANT:

- alleged victim currently participating or attempting to participate in program or activity of institution

DOCUMENT:

- document or electronic submission containing complainant's signature

- 
- Burden of proof on institution
 - Confidential treatment records
 - Present witnesses & evidence
 - Freedom to discuss allegations
 - Advisor of choice
 - Notices
 - Inspect & Review Evidence
 - Review investigative report

INVESTIGATION REQUIREMENTS

If you may have a bias or a conflict, **ACKNOWLEDGE IT**

Remember this is a case made up of individuals

Challenge your own perceptions by examining evidence

Be open & transparent, leave no stone unturned

Ensure everyone has opportunity to be heard, take your time

Base decisions on evidence, facts, & established criteria

HOW TO SERVE IMPARTIALLY



CONFLICTS & BIAS

FOR OR AGAINST COMPLAINANTS OR RESPONDENTS, GENERALLY

EXAMPLE: “All respondents tend to be responsible,” or “complainants are always credible”

FOR OR AGAINST SPECIFIC PARTIES IN THE CASE

EXAMPLE: Heard a case with the respondent in another unrelated case

OVERLAPPING INVESTIGATOR, DECISIONMAKER, OR APPEALS ROLES

EXAMPLE: Administrator who found respondent responsible hears the appeal for the same case





“In the intimate setting of a college or university, prior contact between the participants is likely and does not per se indicate bias or partiality.”

Gorman v. Univ. of Rhode Island,
837 F.2d 7, 15 (1st Cir. 1988).

**NOT NECESSARILY
CONFLICTS & BIAS**

**ACTUAL BIAS IS A HIGH LEGAL STANDARD,
BUT PERCEPTION OF BIAS IS IN THE EYES OF
THE PARTIES TO THE PROCESS & SHOULD BE
AVOIDED.**

***ACTUAL vs PERCEPTION
OF BIAS***

THINGS TO AVOID:

- Truly lop-sided investigations & adjudications, or
- Statements of investigator or panelist showing presumption of responsibility based on stereotypes, or
- Misapplying trauma-informed practice to explain away all inconsistencies in statements



COMPLAINTS **MUST** BE DISMISSED IF:

1. If allegations do not constitute sexual harassment as defined under the Final Rule § 106.30 (even if proven)
2. Did not occur in the recipient's education program or activity, or
3. Did not occur against a person in the U.S.

COMPLAINTS **MAY** BE DISMISSED IF:

1. Complainant withdraws formal complaint or allegations in writing
2. Respondent is no longer enrolled or employed by the recipient, or
3. Specific circumstances prevent recipient from gathering evidence sufficient to reach a determination



MANDATORY notifications of dismissals (required & permitted) & rationale for the dismissal to all parties simultaneously

CONSIDERATIONS FOR DISMISSALS

Decisions to dismiss complaints may be appealed by either party

EMERGENCY REMOVAL

- Individualized safety & risk analysis
- Immediate threat to physical health or safety
- Notice & opportunity to challenge decision





Not defined

More flexible, but not indefinite

Lodging & compensation

Policies set by campuses

Collective bargaining implications

Student employees

ADMINISTRATIVE LEAVE



- Clery Act requires institutions supply timely warnings to students, faculty, & staff
- Anytime a crime occurs, or is occurring that poses a serious or ongoing threat to the rest of the campus, there must be a **TIMELY WARNING** sent that is likely to reach every member of the campus community
 - Email announcements, text messages, etc.
- Issued on a case-by-case basis considering all the facts surrounding a crime

TIMELY WARNING

WHO WRITES & SENDS THESE?
typically, safety personnel



BREAK!



NOA'S

ANATOMY

BEFORE INVESTIGATIONS ON



MUST INCLUDE:

NY129B REQ

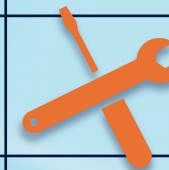
Date/Time of Formal Complaint & Who Filed the Complaint



References to Policies & Procedures



Conduct Alleged (Including Possible Sanctions if Found Responsible)



Date/Location of the Alleged Conduct



Upcoming Meeting Date/Time/Location



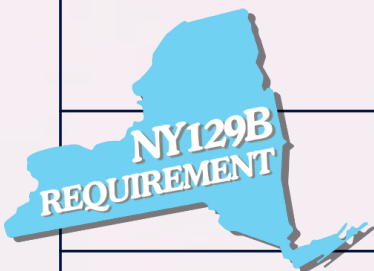
Notice of Advisor of Choice



Presumed NOT RESPONSIBLE Until Determination is Made



Copy Sent to Complainant





INFORMAL RESOLUTIONS

WHEN INFORMAL RESOLUTIONS ARE ALLOWED UNDER THE FINAL RULE:

- After a formal complaint
- When all parties & TIXC Coordinator's consent
- Any party can withdraw at any time

NOT ALLOWED IN CASES INVOLVING
EMPLOYEE RESPONDENTS

TIXC CAN RUN THE PROCESS,
BUT IT IS **NOT** RECOMMENDED

EXAMPLES:

- Administrative resolution
- Restorative justice
- Mediation

GRIEVANCE PROCESS - KEY PLAYERS

| | |
|--|---|
| Report Receiver | Intake/Receipt of complaint |
| UPD/Campus Safety/Police | Safety measures |
| Title IX Coordinator | Oversight & assistance |
| Investigator | Investigation |
| Informal Resolution Facilitator | Facilitation of resolution |
| Student Conduct Staff | Oversight & assistance |
| Advisor | Party advisement (Complainant/Respondent) |
| Hearing/Appeal | Chair, Deliberations, Determinations |
| Resources Offices/Units | Supportive measures |



**TITLE IX
COORDINATOR**

| STATS | |
|--------------|-----|
| INT | 94 |
| SPD | 85 |
| PWR | 92 |
| CRT | 100 |

RULES FOR INVESTIGATIONS

WHO CAN INVESTIGATE



Free from conflicts of interest & bias

Can be the TIXC, but another administrator is preferred, if possible

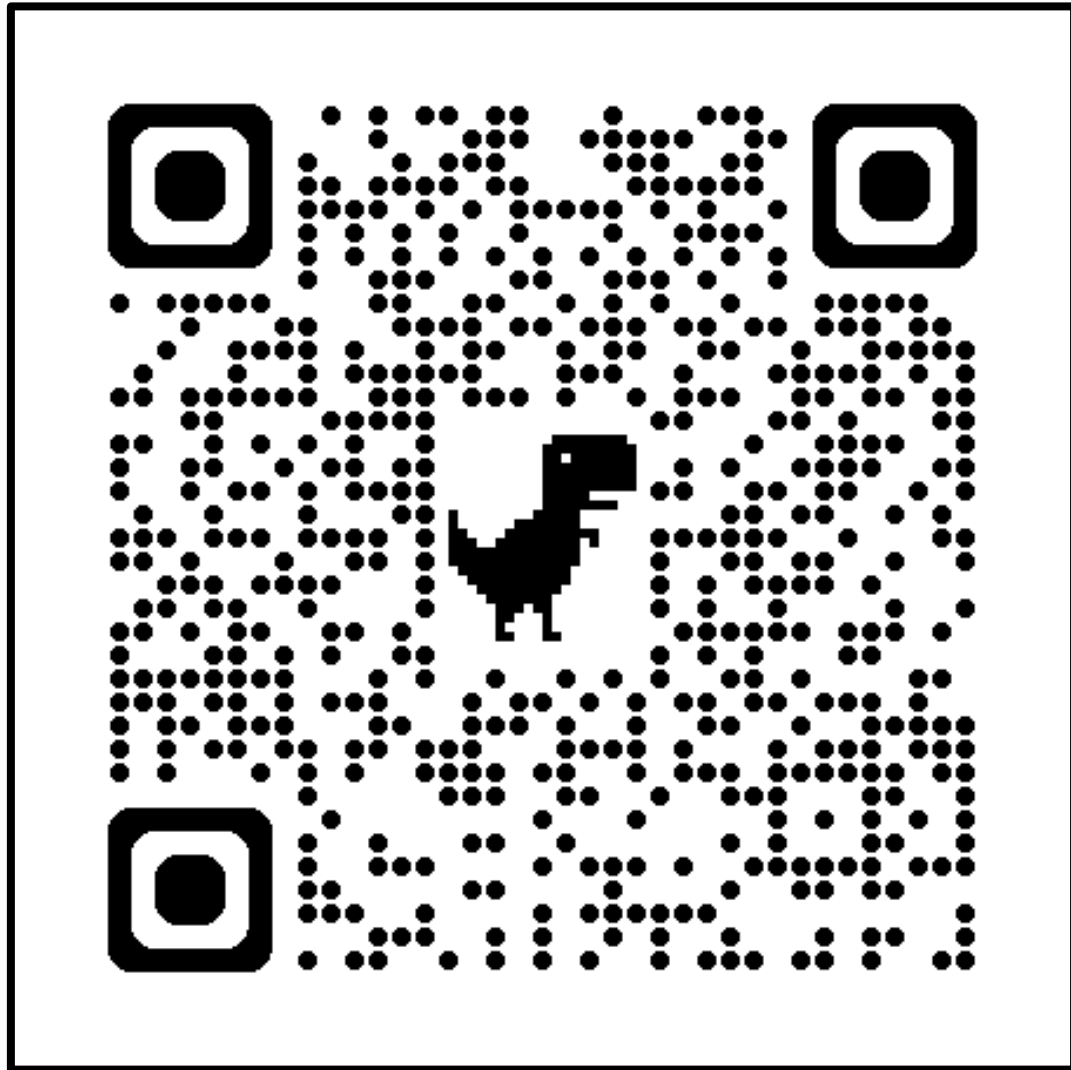
Can use trauma-informed interviewing practices

Should be aware of cultural differences & how it can impact person's testimony or experience

INVESTIGATION PLANNING

- Investigators are naturally curious, absent of conflicts of interest or bias, & diligent
 - Healthy skepticism is valuable & patience a virtue
 - Trained per the Final Rule
- Prepare natural lines of questioning for all parties & witnesses
- Prepare documents & forms (NDAs, Non-retaliation agreement, etc.)
- Identify areas of disputed facts from reviewing formal complaint & initial response from respondent
- All testimony & evidence should be relevant to facts at issue
- Recording strategies, tech, review of transcript





[8/21/2025, 8/22/2025](#)

[Title IX Investigator](#)

[Training](#)

2025-2026 Live@Distance

Ends June 30, 2026 at 11:59 PM

WHAT IS THE TITLE IX COORDINATOR'S ROLE DURING AN INVESTIGATION?

- Checking in, following up with investigators
- Help collect & organize evidence
- Review issues that arise (possible conflicts of interest or bias, scheduling, lines of questioning, etc.)
- Project management
- Track deadlines, facilitate involvement & participation, communicate with stakeholders
- Facilitate end of investigations & responses from parties

EVIDENCE

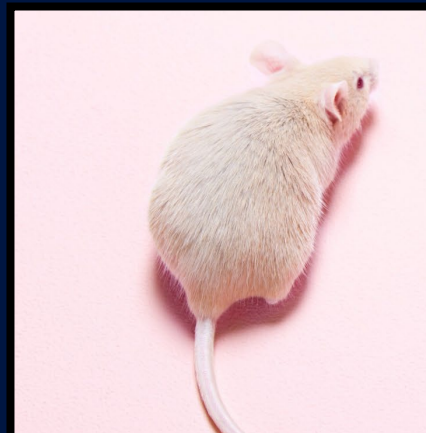


DIRECT

CORROBORATING



CIRCUMSTANTIAL



... EVIDENCE THAT MUST BE INCLUDED ...

EXCULPATORY & INCULPATORY

Exculpatory evidence increases the likelihood of finding of **non-responsibility** or **non-liability**

Inculpatory evidence increases the probability of a finding of **responsibility** or **liability**.

PLEASE NOTE: investigations & findings of **INNOCENCE** and **GUILT** are not applicable to Title IX or student conduct grievances. These processes are administrative processes & are not civil or criminal in nature.

RELEVANCE, DIRECTLY RELATED TO, & ADMISSIBLE EVIDENCE



- Relevant evidence makes a material fact **MORE OR LESS LIKELY TO BE TRUE**
- Relevant evidence will make a **DIRECT CONNECTION** to the charge(s)
- Irrelevant evidence can be **INCLUDED IN THE APPENDIX**
- Authenticity of evidence?

Testimony

Text Messages

Social Media Posts

Medical Records

Public Safety / Police Records

Videos / Surveillance Footage

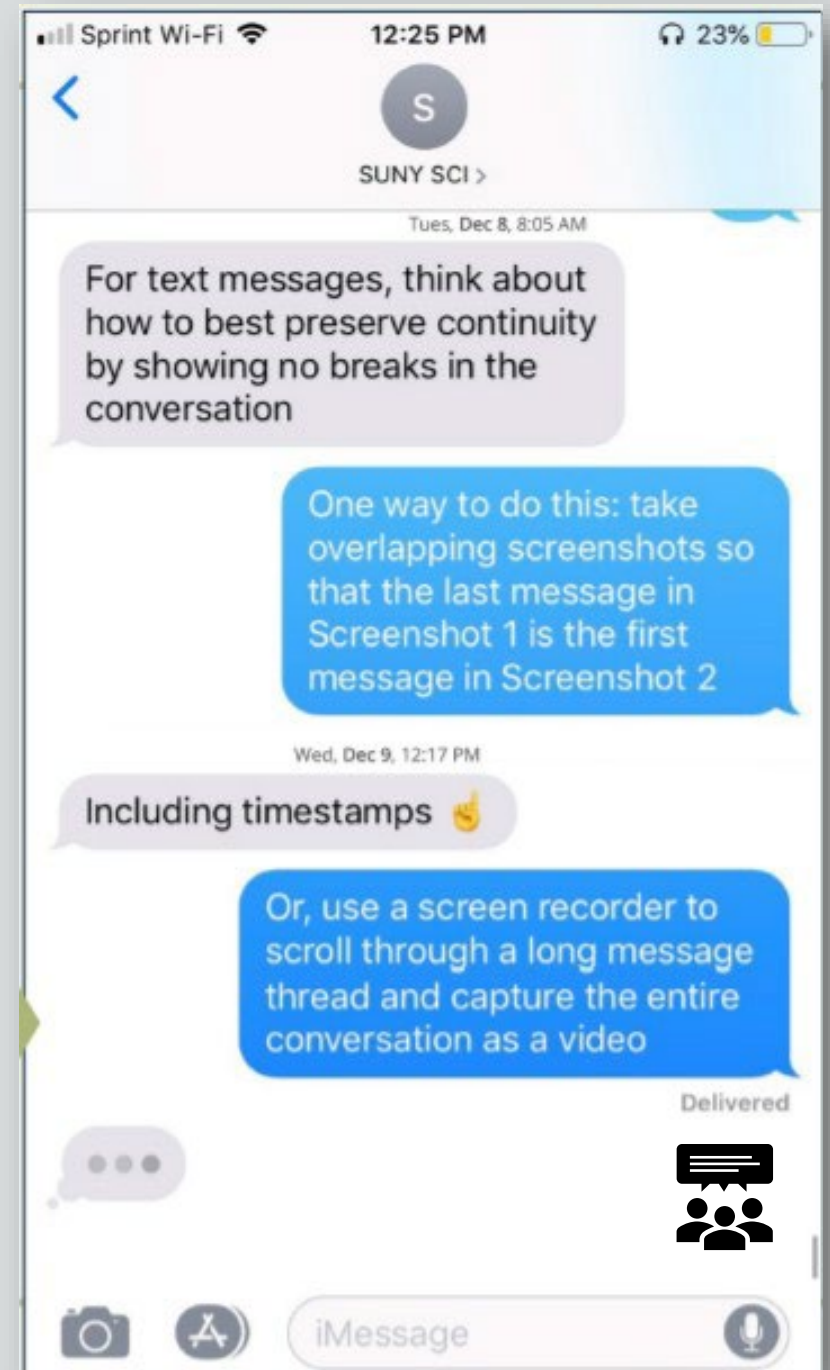
Pictures

ID Card Data / Network Usage Location Data

Email

Voice notes

POSSIBLE EVIDENCE



AUTHENTICITY

TESTIMONY
CUSTODY
ELECTRONIC
AUTHENTICATION
ANALYSIS



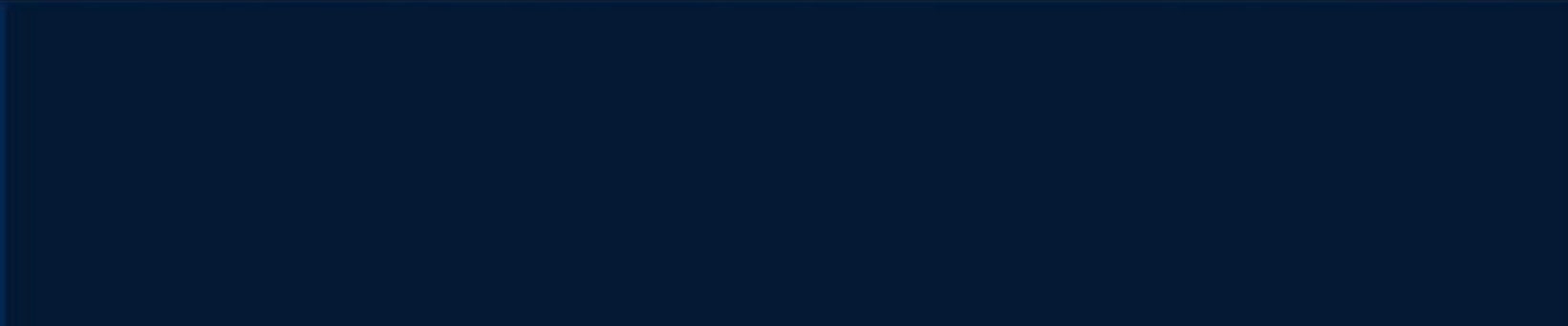
CREDIBILITY

SPECIFICITY
CONSISTENCY
CONTRADICTION
MOTIVE TO DECEIVE
DEMEANOR &
EVASION

Credibility judgments may feel subjective - decisionmakers are asked to evaluate whether a person *they don't know* is being honest in an unfamiliar and stressful situation.

Many traditional approaches to assess credibility may **REINFORCE BIASES** rather than promote an effort to get at the truth.

The areas on the left can help decisionmakers determine credibility.





Detail your intake of the incident (who, where, when)

Include observable facts & behaviors



Cite any significant quotes from parties involved

Detail incident from reporting individual's perspective



Resolution – detail next steps taken

INCIDENT REPORT STRUCTURE

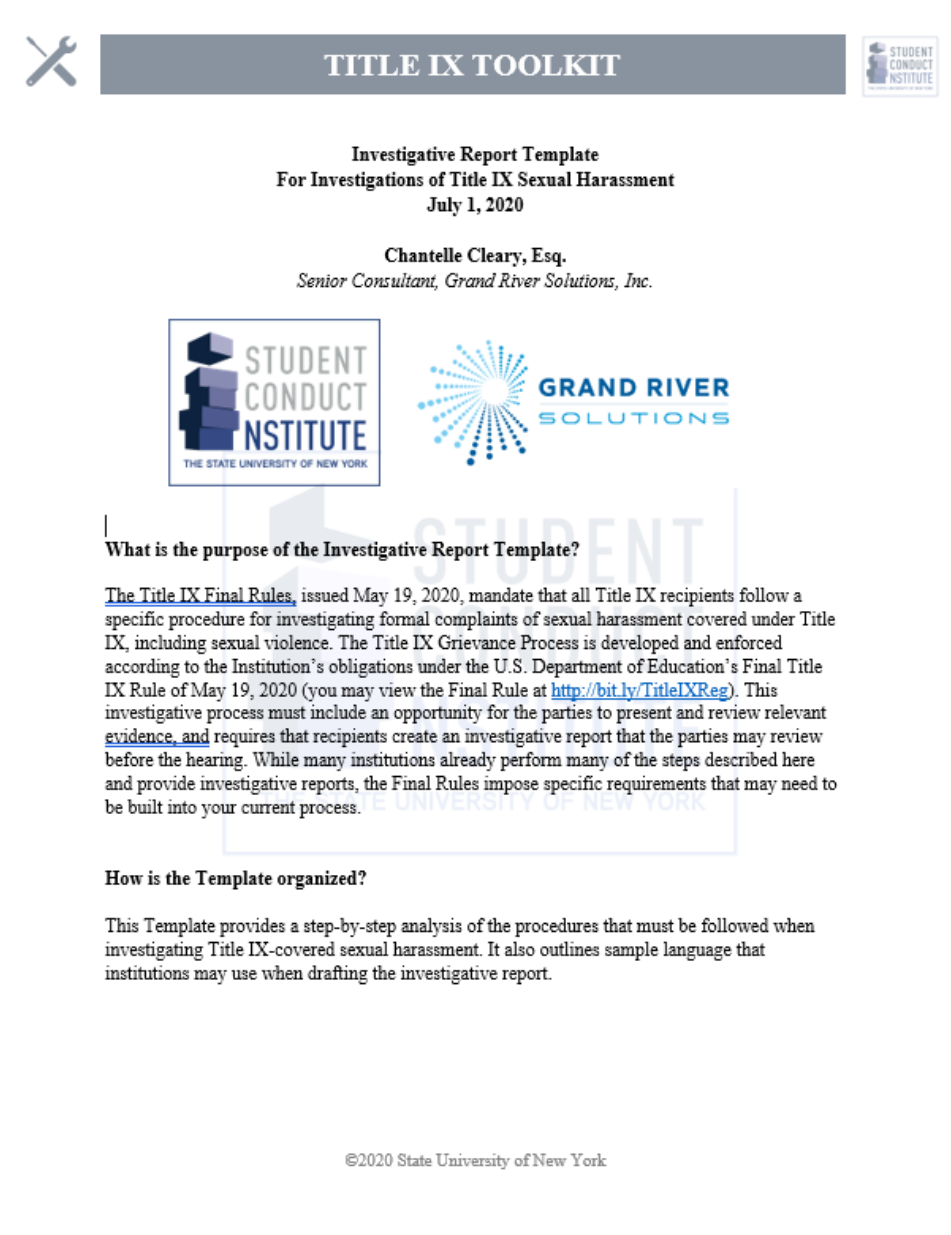
INVESTIGATIVE REPORT



- Creation & sharing of investigative report summarizing evidence collected (*fairly*)
 - Shared with both parties at least 10 days before hearing
- Include procedural steps taken
- Redact or remove evidence deemed “irrelevant” which includes such evidence that’s exempted
- Parties may correct errors, contest inclusion of certain evidence, or address issues of conflicts of interest or bias
- Use of appendix may be used for evidence institution may not wish to rely on for the case
- Should not include determinations of responsibility (*unless a single-investigator model*)

INVESTIGATIVE REPORT TEMPLATE

- Overview of the investigation
 - Includes parties, applicable policies, allegations of misconduct, brief description of alleged misconduct
- Jurisdiction of educational institution
- Identify investigators
- Objective of the investigation & report
- Allegations, verbatim
- Identification of witnesses
- Description of evidence collected
- Summary of the relevant evidence
- Procedural next steps



The image shows the cover page of a 'TITLE IX TOOLKIT' document. At the top left is a wrench and screwdriver icon. The title 'TITLE IX TOOLKIT' is in a grey bar at the top right, next to the Student Conduct Institute logo. Below the title is the subtitle 'Investigative Report Template For Investigations of Title IX Sexual Harassment July 1, 2020' and the author 'Chantelle Cleary, Esq., Senior Consultant, Grand River Solutions, Inc.'. Two logos are displayed: the Student Conduct Institute logo (The State University of New York) and the Grand River Solutions logo. The main content area has a large, faint 'STUDENT CONDUCT INSTITUTE' watermark. The text includes a section header 'What is the purpose of the Investigative Report Template?' followed by a paragraph explaining the Title IX Final Rules and the requirement for an investigative report. Another section header 'How is the Template organized?' is followed by a paragraph describing the template's step-by-step analysis and sample language.

TITLE IX TOOLKIT

Investigative Report Template
For Investigations of Title IX Sexual Harassment
July 1, 2020

Chantelle Cleary, Esq.
Senior Consultant, Grand River Solutions, Inc.

STUDENT CONDUCT INSTITUTE
THE STATE UNIVERSITY OF NEW YORK

GRAND RIVER SOLUTIONS

What is the purpose of the Investigative Report Template?


The [Title IX Final Rules](#), issued May 19, 2020, mandate that all Title IX recipients follow a specific procedure for investigating formal complaints of sexual harassment covered under Title IX, including sexual violence. The Title IX Grievance Process is developed and enforced according to the Institution's obligations under the U.S. Department of Education's Final Title IX Rule of May 19, 2020 (you may view the Final Rule at <http://bit.ly/TitleIXReg>). This investigative process must include an opportunity for the parties to present and review relevant evidence, and requires that recipients create an investigative report that the parties may review before the hearing. While many institutions already perform many of the steps described here and provide investigative reports, the Final Rules impose specific requirements that may need to be built into your current process.

How is the Template organized?

This Template provides a step-by-step analysis of the procedures that must be followed when investigating Title IX-covered sexual harassment. It also outlines sample language that institutions may use when drafting the investigative report.

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Secure, retrievable &
accessible

Opportunities to
challenge evidence



EVIDENCE STORAGE

May impose rules for
sharing material like
NDAs



Case management
software allowed

Note legally-
recognized & un-
waived privilege



EVIDENCE INSPECTION

- Both parties have equal opportunity to review & respond to evidence gathered prior to investigative report
 - Ten days to review “any” relevant information & evidence
 - Parties submit written response, which investigator reviews
 - Includes chance to determine evidence as “irrelevant” or “not directly related” to allegation
- ED recommends a “privilege log”



Consider impact of trauma:

- Fragmented memory & non-linear event order
- Specific details about sensory events

Trauma-informed approach doesn't substitute for missing info, justification for not doing a full investigation, or cause a biased belief in a party's accuracy

Questioning & word usage

- “Help me understand ...” “What are you able to tell me about what you experienced?”
 - Describing another individual's experience
 - Framing your questions, avoiding why questions



TRAUMA- INFORMED INTERVIEWING



10/20/2025,
10/21/2025 Trauma
Informed Interview
Training

2025-2026 Live@Distance
Ends June 30, 2026 at 11:59
PM



10/7/2025,
10/8/2025 The
Neurobiology of
Sexual Assault

2025-2026 Live@Distance
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PM

TRAUMA-INFORMED INTERVIEWING



CULTURAL AWARENESS



STUDENT-CENTERED PROCESS

Individuals on hearing boards should be mindful that the participants may come from different backgrounds & cultures than their own

- Race
- Ethnicity
- Gender
- Religion
- Ability/disability
- Language (limited English proficiency)
- Immigration status
- Socioeconomic status
- Sexual orientation,
- Gender identity or expression
- Age



BIAS & KNOWLEDGE



- ENHANCE CULTURAL COMPETENCY
- ADAPT TO DIVERSE COMMUNICATION STYLES
- ADDRESS CULTURAL PERCEPTIONS OF AUTHORITY
- IMPLEMENT EQUITABLE PRACTICES

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HOW CULTURE CAN IMPACT TITLE IX ADJUDICATION

ADJUST COMMUNICATION STYLES

- Encourage open dialogue
- Ensure students are comfortable sharing perspectives without constraints

AVOID OVERINTERPRETING BEHAVIOR

- Limited eye contact or formality could be indicative of many influences

Avoid letting cultural differences influence decision-making processes

Day 3 of TIX Coordinator Training

9/4

Title IX Hearing Board (Decisionmaker) Trainings
9/9, 9/11, 9/16
12/2, 12/4, 12/9

Student Conduct Hearing Board (Decisionmaker) Trainings
9/18, 9/22, 9/25
11/5, 11/7, 11/12

Title IX Coordinator Training
12/11, 12/16, 12/18

Getting Your Clery Annual Report Ready to Publish
9/8

Identifying & Responding to Stalking
9/19

Investigating Stalking
10/16

Trauma-informed Interview Training
10/20, 10/21

The Neurobiology of Sexual Assault
10/7, 10/8

Coordinating Response to Stalking
11/14

The Cost of Caring - Understanding Your Vicarious Trauma
12/19

THANK YOU SO MUCH FOR JOINING US! WE ARE SO GRATEFUL TO ALL OF OUR MEMBERS JOINING US FOR OUR TRAININGS.

Our upcoming trainings are listed on this slide, but you can find all our Live@Distance offerings in our learning platform.