



INSTITUTIONAL COMPLIANCE SOLUTIONS

HIGHER ED: CERTIFIED TITLE IX REGULATIONS BOOTCAMP WORKBOOK

Title IX

“No person in the United States shall, on the basis of _____, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving _____.”

Sex Discrimination



Required grievance procedures for _____ sex discrimination.

Mandatory reporting requirements apply to _____ sex discrimination.

Some Changes to Note

-
-
-



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On the Basis of Sex

Discrimination on the basis of sex includes discrimination on the basis of:

- 1.
- 2.
- 3.
- 4.
- 5.

Application (Jurisdiction – Expanded)

ALL sex discrimination that occurs under the school's education program or activity in the U.S. including but not limited to:

- Conduct that occurs in a building owned or controlled by a student organization that is officially recognized by the school.
- Conduct that is subject to the school's disciplinary authority
-

Note: Parties

It does/does not matter whether the individual is still a student or employee of the school. (circle one)

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Language Changes

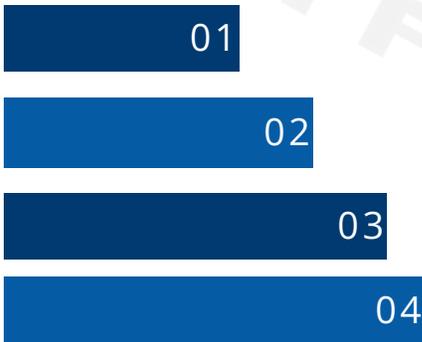
Report →

Formal Complaint →

Formal Grievance Process →

Pregnancy Accommodations →

Major Stages of the Grievance Procedures



Procedures/Process for Pre-Aug 1, 2024 Conduct

___ regulations apply for alleged conduct that occurs before August 1st.



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Designate a Title IX Coordinator

If more than one coordinator, one must be designated as Coordinator with _____ and ensure the school has consistent compliance with its responsibilities.

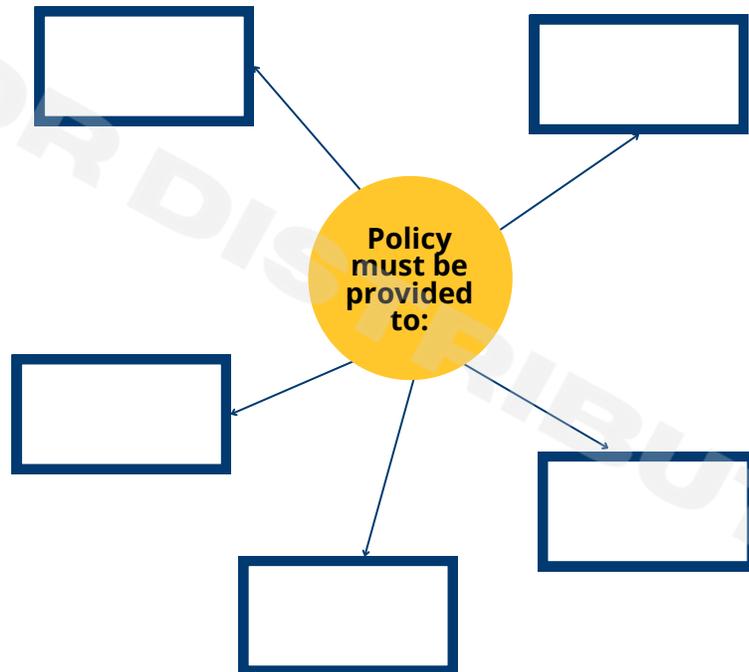
Role & Responsibility Overlap

Coordinator ____ be investigator/decision-maker

Investigator _____ be the informal resolution facilitator

Supportive Measure Review Administrator _____ be the Coordinator or their supervisor

Nondiscrimination Policy





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Grievance Procedures

Must provide for the _____ and _____ resolution of complaints made by students, employees, or other individuals who are participating in or _____ to participate in the recipient's education program or activity, or by the Title IX Coordinator alleging any action that would be prohibited by Title IX.

Notice of Nondiscrimination Must Include:

-
-
-
-
-
-
-

Training Requirements

Training on an employee's responsibilities under Title IX needs to occur _____ or _____ that alters their duties and _____ thereafter.



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Categories of Employees for Reporting

-
-
-

Non-confidential employees are required to report or provide information to the Title IX Coordinator in 2 scenarios:

- If they have information about a student (or through a person who has a legal right to act on their behalf) of the _____ or _____; and
- If they have information about conduct that _____ constitute _____ under Title IX.

Prevention: Barriers to Reporting

MUST _____.

MUST _____.

Recordkeeping

Schools must keep records within the following areas:

- 1.
- 2.
- 3.





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Supportive Measures

Individualized measures offered, as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for _____ or _____ reasons, and without fee or charge to the complainant or respondent to:

- _____ to the recipient’s (school’s) education program or activity, including measures that are designed to protect the safety of the parties or the recipient’s (school’s) educational environment; OR
- _____ during the recipient’s (school’s) grievance procedures, or during the information resolution process.

Examples of Supportive Measures

What are three examples of supportive measures?





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Supportive Measures Review

Parties MUST be provided with timely opportunity to seek modification or reversal of school's decision to _____, _____, _____, or _____ supportive measures applicable to them.

These decisions must be reviewed by an impartial employee called a _____.

Student with a Disability

A student with a disability as defined in _____ or _____.

Party with a Disability

The Title IX Coordinator _____ consult, as appropriate, with the individual or office that the School has designated to provide support to students with disabilities to determine how to comply with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794.

-

AND

-





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Emergency Removal

In order to remove a student, school must determine: _____ and _____ to the health or safety of a Complainant or other person arising from the allegations of the sex discrimination justifies removal. _____ provide Respondent an opportunity to challenge the decision _____ following the removal.

Administrative Leave

Can you place an employee on administrative leave during the pendency of the Title IX grievance procedures?

- Yes
- No

Retaliation

What two things MUST a school do when they learn of retaliation (including peer retaliation) under Title IX?

- 1)
- 2)





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Informal Resolution

WHEN

DISCRETION

PARTICIPATION

CONSENT

NO WAIVER

_____ situation — even when _____ Complainant and _____ Respondent.

The Informal Resolution Facilitator CAN be the investigator or decision-maker in the grievance process.

True

False

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Title IX Major Stages

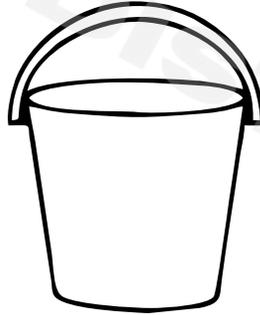
The four stages of the Title IX grievance process are:

- 1.
- 2.
- 3.
- 4.

Prohibited Conduct, Application & Scope

Required grievance procedures for ALL sex discrimination includes _____ and related conditions, _____, _____, etc.

Three types of Sex-Based Harassment



1. _____

2. _____

3. _____





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Discrimination on the basis of sex includes discrimination on the basis of:

1. Sex _____
2. Sex _____
3. _____ or related conditions
4. _____
5. _____

Hostile Environment Harassment

1. Unwelcome
2. Sex-based Conduct
3. Subjectively _____ Objectively Offensive
4. Severe _____ Pervasive
5. Limits _____ Denies Ability to Participate (Access)





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Sexual Assault

_____ : The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

_____ : The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

_____ : Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

_____ : Sexual intercourse with a person who is under the statutory age of consent.

Notification

Notification (report) the Title IX Coordinator receives information about conduct that _____ constitute sex discrimination.

Exception: Public Awareness Events

Coordinator _____ required to act in response UNLESS there is an _____ and _____ threat to the health or safety of Complainant or others.

_____ use the information to inform its prevention efforts.

Coordination of Compliance



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Complaint

An _____ or _____ request to the recipient that objectively can be understood as a request for the recipient to investigate and make a determination about alleged discrimination under Title IX or this part.

Must take appropriate prompt and effective steps to:

1.

AND

2.

Dismissal

After dismissal, the school MUST:

-
-
-
-

Consolidation of Complaints

School _____ consolidate:

- Complaints related to more than one Respondent.
- Complaints related to or more than one Complainant against one or more Respondents.
- Complaints by one party against another party.



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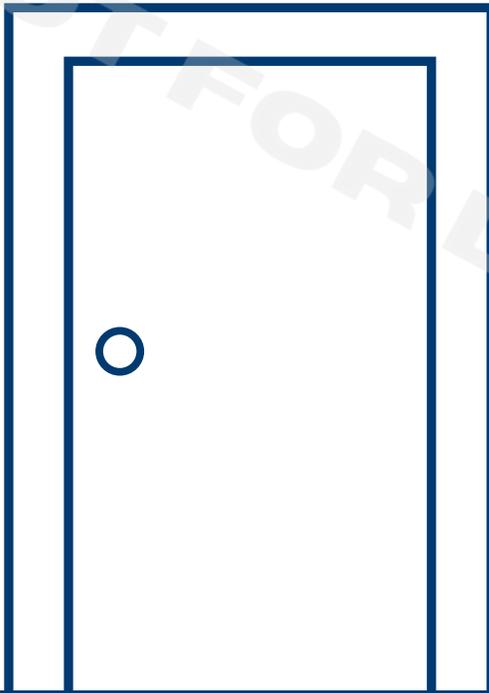
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Basic Requirements of Grievance Procedures

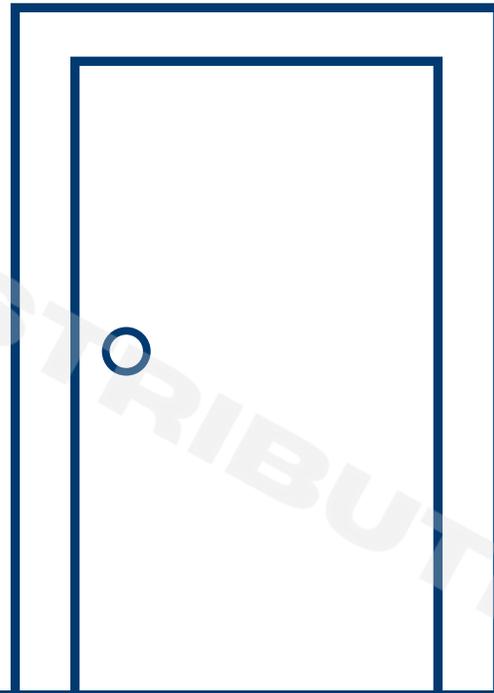
- Grievance Procedures _____ be in writing.
- If allegations against a school regarding the school's policy or practice, the school is _____ considered a Respondent.
- _____ initiates Grievance Process.

Which door?

Door # 1 (106.45)



Door #2 (106.46)





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When a party is _____ a student and an employee, the school must make a fact-specific inquiry.

- Consider whether the party's primary relationship with the school is to _____

AND

- Whether the alleged Sex-Based Harassment occurred while the party was performing _____.

Notice of Allegations

Upon initiation of grievance procedures (after Complaint), school _____ provide Notice of Allegations to parties (whose identities are known).

If _____ concern for the safety of any person as a result of providing notice of allegations, the school may _____ providing written notice of the allegations in order to address safety concerns appropriately.

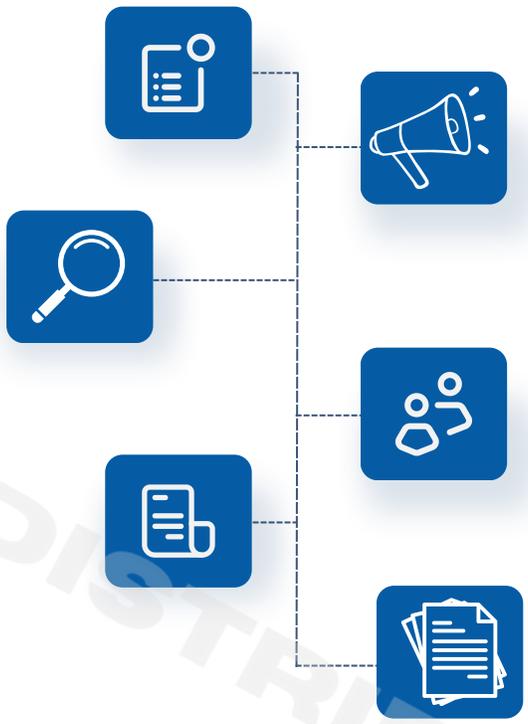
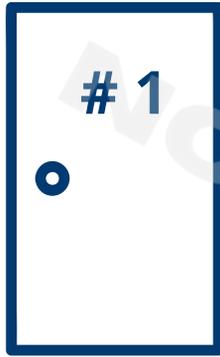




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GRIEVANCE PROCEDURES DOOR # 1

**Door #1
(106.45)**

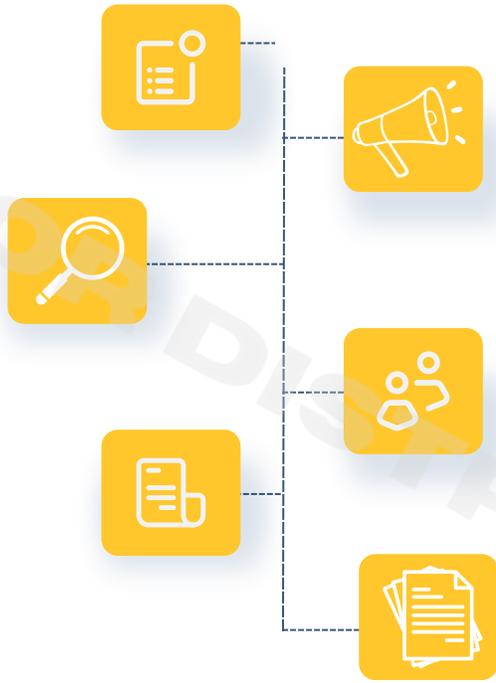




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GRIEVANCE PROCEDURES DOOR # 2 PATH A

Door #2 Path A - No LIVE HEARING (106.46)





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GRIEVANCE PROCEDURES DOOR # 2 PATH B

Door # 2 Path B- Live Hearing (106.46)





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INVESTIGATION DOOR #1

1. Burden on _____
2. Provide opportunity for parties to present _____
3. Provide opportunity to present _____ and _____
evidence
4. Provide _____ the relevant evidence
5. Provide reasonable _____ to the evidence/accurate
description
6. Take reasonable steps to _____ and address the parties _____
_____ of evidence

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INVESTIGATION DOOR # 2 (ADDITIONAL REQUIREMENTS)

1. Provide _____ to all parties who are invited or expected to participate in meetings with sufficient time to prepare.
2. Provide parties with the same opportunity to have _____ in the meeting.
3. Provide opportunity to be _____ of their choice.
4. Provide parties and advisors _____ that accurately summarizes the evidence.
5. _____ to determine whether parties may present _____.
6. Allow for _____ of timeframes on a case-by-case basis for good cause and provide written notice with reason for delay.





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NO LIVE HEARING DOOR # 2 PATH A

Must:

-
-
-

LIVE HEARING DOOR # 2 PATH B

Must:

-
- OR
-

Questions may _____ be asked directly by a party.



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RELEVANT

_____ are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred.

_____ is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

WRITTEN DETERMINATION DOOR # 1

Must use _____ — unless school uses clear and convincing standard in _____ other comparable proceedings

WRITTEN DETERMINATION DOOR # 2

Written determination must:

-
-



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REMINDER

_____ discipline Respondent for sex discrimination UNLESS there is a determination _____ (.45 or .46) that Respondent engaged in sex discrimination.

DETERMINATION BECOMES FINAL

The date the parties are provided with the _____ of the result of any _____.

OR

The date when an appeal would no longer be considered timely (day after appeal deadline).

APPEALS DOOR # 1

_____ offer appeal that _____ is the same as the school offers in _____ (including other discrimination complaints)



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APPEALS DOOR # 2

Must be offered:

-
-

Basis for Appeal:

- 1.
- 2.
- 3.

PREGNANCY OBLIGATIONS: STUDENTS

Pregnancy Obligations (Admissions 106.21)

School _____ treat pregnancy or related conditions the same as any other temporary medical conditions.

PREGNANCY OR RELATED CONDITION (P. 1510)



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NOTIFICATION, PREGNANCY

When a student (or person who has the legal right to act on behalf of the student) informs ANY employee of the student's pregnancy or related conditions, the employee must:

1.

AND

2.

PROVIDE REASONABLE MODIFICATIONS

- Make reasonable modifications to school's policies, practices or procedures to prevent sex discrimination and ensure equal access.
- Modifications must be _____.
- Consult with the _____ to determine appropriate modifications.
 - A modification is not reasonable if school can demonstrate _____.
- Student may accept _____ decline each modification offered. If accepted, school _____ implement it.



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LIMITATION ON SUPPORTING DOCUMENTATION

Must _____ require supporting documentation unless the documentation is _____ and _____ for the school to determine the reasonable modifications to make or whether to take additional specific actions.

PREGNANCY OBLIGATIONS EMPLOYEES

Employee Pregnancy or Relation Conditions

_____ treat pregnancy or related conditions as any other temporary medical conditions for _____ job-related purposes.

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LACTATION SPACE

_____ provide a _____ for employee to express breast milk or breastfeed as needed.

MUST ensure access to lactation space:

- ✓
- ✓
- ✓
- ✓

DE MINIMIS HARM

When there is a circumstance (limited) in which Title IX permits different treatment or separation on the basis of sex, a school must _____ carry out such different treatment or separation in a manner that discriminates on the basis of sex by subjecting a person to more than _____.

FERPA AND TITLE IX

Title IX requirements are _____ alleviated by FERPA

