



1

Title IX Coordinator Responsibilities

- Must be called Title IX Coordinator
- Must be identified (with name or title, address, phone, and email) in policy and on website
- Must meet with alleged victims of Title IX Sexual Harassment

FRANCZEK

2

Title IX Coordinator Responsibilities

- Informs CP of availability of supportive measures and formal complaint process
- Decides whether to “sign” a complaint when the CP doesn’t want to file
- Coordinates implementation of supportive measures
- Ensures effective implementation of remedies
- Monitors ongoing compliance with Title IX

FRANCZEK

3

Timeline



- Training materials used to train Title IX Team
- Title IX Coordinator Information
- Policy Language
 - Nondiscrimination Language
 - TIX SH Grievance Process

FRANCZEK

4

Robin's Report

- This morning
- Email from Dean of Students/AP
- Robin, a 9th grade soccer player, reported conduct involving Robin's friend, Cameron, also a 9th grade soccer player

FRANCZEK

5

Robin's Report

- Soccer pre-season training week
- Park across street from the school
- Two 10th grade soccer players, Parker and Riley, harassed Cameron
- Parker is popular among the 10th graders

FRANCZEK

6

Robin's Report

- Verbal harassment
 - Going to violate your mother
 - Want to “bang” (understood to mean sexual activity), will give starting position on team if do
- Grabbed Cameron by the neck and bent Cameron over; poked Cameron’s anus over the clothes

FRANCZEK

7

Robin's Report

- Coaches saw the incident
 - Laughed at first
 - Noticed Cameron looked shaken
 - Sternly reprimanded 10th grade students in front of Cameron
 - Told Cameron if it happened again to report it
- Nonetheless, physical incidents kept occurring

FRANCZEK

8

Robin's Report

- One (same) coach observed later incident; shook her head and walked away
- Last day of pre-season
 - Hazing ritual
 - Multiple 10th grader students grabbed Cameron and two other rookies
 - Pulled down pants, poked genitals and anus with broomstick

FRANCZEK

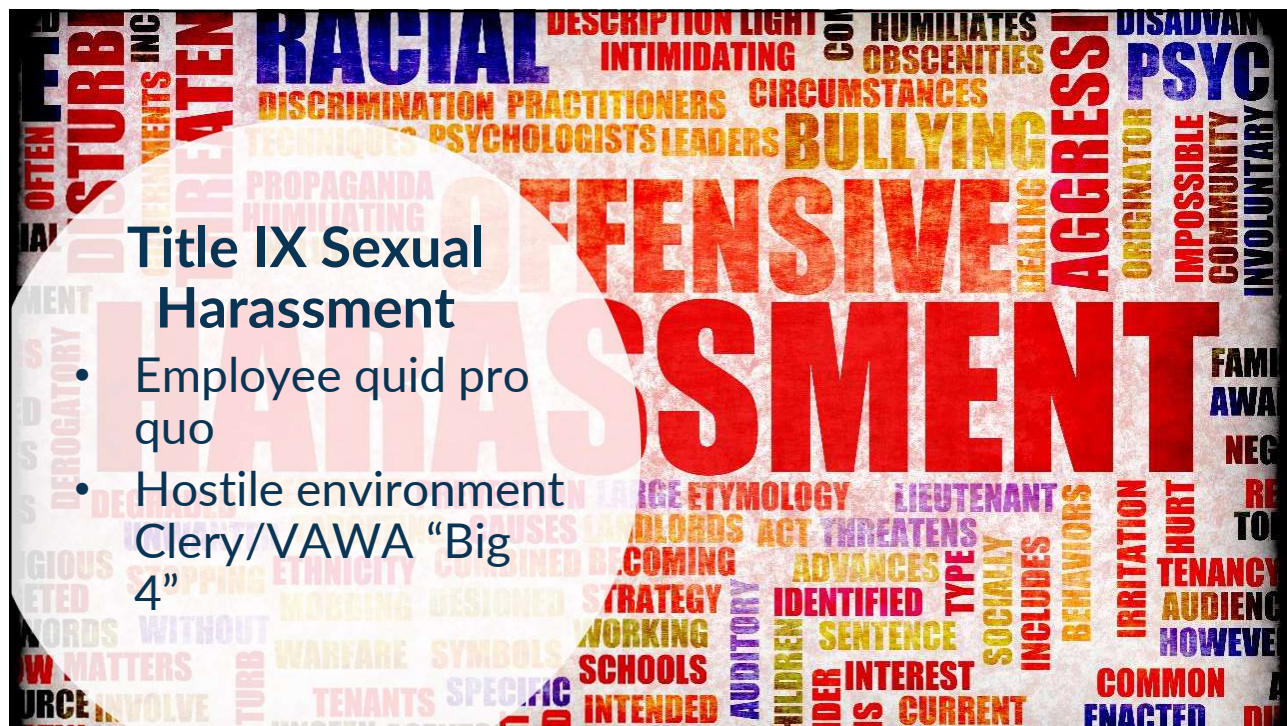
9

Question

Is all of the conduct, when viewed together,
Title IX Sexual Harassment?

FRANCZEK

10



Title IX Sexual Harassment

- Employee quid pro quo
- Hostile environment Clery/VAWA “Big 4”

11

TIX Quid Pro Quo

Definition: An employee of the recipient conditioning an aid, service, or benefit of the recipient on an individual’s participation in unwelcome sexual conduct

New: Only an employee (not a volunteer, another student, etc.)

Codified: Severity and harm presumed

FRANCZEK

franczek.com

12

VAWA “Big Four”

Sexual Assault 20 U.S.C. 1092(f)(6)(A)(v)

Domestic Violence 34 U.S.C. 12291(a)(8)

Dating Violence 34 U.S.C. 12291(a)(10)

Stalking 34 U.S.C. 12291(a)(30)

FRANCZEK

franczek.com

13

Sexual Assault under VAWA

- Sexual Assault:
 - Penetration without consent (rape)
 - Fondling without consent
 - Incest
 - Statutory rape

FRANCZEK

14

Also, Hostile Environment

- Unwelcome conduct
- Of a sexual nature
- So severe, pervasive, **and** objectively offensive
- Effectively denies access

FRANCZEK

15

Title IX – What is a Hostile Environment

Unwelcome conduct determined by a reasonable person to be **so severe, pervasive, and objectively offensive that it effectively denies a person's equal access to the school's education program or activity**

16

Question

Did the conduct involving Cameron occur in the school's program or activity?

FRANCZEK

17



Program or Activity: Any location, events, or circumstance over which the school exhibits substantial control over both the alleged harasser and the “context” in which the harassment occurred

18

Question

If the conduct does not qualify as Title IX Sexual Harassment, what do you do?

- A. Tell the Dean you can't do anything else because it isn't Title IX SH
- B. Tell the Dean to consider other policy violations
- C. Tell the Dean to follow up with Cameron to get more information

FRANCZEK

franczek.com

19

Question

You decide that the allegations do constitute Title IX Sexual Harassment, what do you do next?

- A. Contact Robin for more information
- B. Contact Robin to explain supportive measures and how to file a Formal Complaint
- C. Contact Cameron to explain supportive measures and how to file a Formal Complaint
- D. All of the above

FRANCZEK

franczek.com

20

Title IX Coordinator must promptly, even if no Formal Complaint is filed:

- Contact the Complainant to discuss the availability of “supportive measures”
- Consider the Complainant’s wishes with respect to supportive measures
- Inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint
- Explain the process for filing a Formal Complaint

Initial Response

21

Question

Cameron is in class the day that Robin reports the alleged conduct, can the Dean/AP meet with Cameron to discuss supportive measures/the right to file a formal complaint?

FRANCZEK

franczek.com

22

Cameron's Report

- You tell the Dean to meet with Cameron
- Cameron confirms all of the allegations

FRANCZEK

23

Question

What supportive measures would you offer Cameron?

FRANCZEK

24

Cameron's Report

- Cameron does not want to file a Formal Complaint
- Cameron begs not to be named to the 10th grade students (Parker and Riley)

FRANCZEK

25

Question

Can you honor Cameron's request for confidentiality?

FRANCZEK

franczek.com

26

“Signing a Complaint”

- Consider:
 - Position of authority
 - Pattern of alleged conduct
 - Involvement of violence, weapons, etc.
 - Seriousness of alleged conduct
 - Age of student harassed
- Title IX Coordinator does not become Complainant or party
- Decision to sign a Formal Complaint (or not?) reviewed for “deliberate indifference”

FRANCZEK

27

Forms/Notices

Initial Contact and Meeting with the CP

Notice to Complainant
of Report of Title IX
Sexual Harassment
(Franczek Notice 1(a))

Summary of Supportive
Measures Meeting
with the Title IX
Complainant
(Franczek Notice 1(b))

Title IX Formal
Complaint (Franczek
Form A)

FRANCZEK

28

Question

Can you remove Parker and/or Riley through an emergency removal?

FRANCZEK

29

Question

Can you place the coach who witnessed conduct against Cameron, but simply shook her head in response, on administrative leave during your investigation?

FRANCZEK

franczek.com

30

Emergency Removal/ Admin Leave

Immediate emergency removal (34 C.F.R. 106.44(c))

- Based on an individualized safety and risk analysis
- Necessary to protect a student or other individual from **immediate threat to physical health or safety**
- **Notice, opportunity to challenge** provided “immediately” provided the removal

Employee administrative leave

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

- Not prohibited
- Consider state law, board policy, handbooks, and bargaining agreements

31

Remember State & Federal Law

- Additional process may be required for emergency removal to occur
 - Student discipline – state laws (e.g., long term suspension, expulsion)
 - Disability rights – federal and state law
 - Employee rights – law, policy, agreements

FRANCZEK

32

Forms/Notices

Notice of Emergency Removal

Notice of Title IX
Emergency Removal of
Student
(Franczek Letter 4(a))

Notice of Title IX
Emergency Removal or
Admin Leave for
Employee (Franczek
Letter 4(b))

FRANCZEK

33

Question

Cameron presents you with a court order that prohibits Parker and Riley from being at school. What do you do?

FRANCZEK

franczek.com

34

Question

Your school offers face-to-face restorative justice. Assume just verbal misconduct. Can this type of informal resolution be done with Cameron?

FRANCZEK

franczek.com

35

Formal Complaint – Next Steps

- Written notice to all known parties
 - Grievance process
 - Allegations
 - Respondent presumed not responsible
 - Right to advisor
 - Right to inspect/review evidence
 - Notice of provision on false statements

FRANCZEK

36

Forms/Notices

Notice of Allegations

Notice of Allegations of
Title IX Sexual
Harassment by a
Complainant (Franczek
Notice 2(a))

Notice of Allegations
Upon Signing of Formal
Complaint by the Title
IX Coordinator
(Franczek Notice 2(b))

FRANCZEK

37

Question

Cameron and Parker agree to enter into informal resolution and reach an agreement. Can the Title IX process ever recommence?

FRANCZEK

franczek.com

38

Forms/Notices

Informal Resolution Process

Offer of Title IX
Informal Resolution
Process
(Franczek Notice 5(a))

Notice of Closure of
Title IX Informal
Resolution Process
(Franczek Notice 5(b))

FRANCZEK

39

Let the investigation begin....

- Identify investigator
- Investigator sends notice to parties (and, we recommend, to witnesses)

FRANCZEK

40

Forms/Notices

Notice of Interview

Notice of Title IX
Interview or Meeting
with Title IX Party
(Franczek Notice 6(a))

Notice of Title IX
Interview or Meeting
with Non-Party
Witness (Franczek
Notice 6(b))

FRANCZEK

41

Witness – Devon

- Devon, witness
- Also on the soccer team, 10th grade student

FRANCZEK

42

Witness – Devon

- Parker sexually assaulted Devon on spring break trip abroad last year
- Sexual harassment by Riley via Snapchat over the summer (off-campus, not on school tech or hours)
- A teacher asked Devon for a naked photo and Devon shared one with the teacher
- Devon files a Formal Complaint

FRANCZEK

43

Question

Which allegations does the school have jurisdiction over under Title IX?

- A. None
- B. All
- C. Spring break conduct
- D. Summer Snapchat incident
- E. Teacher photo incident

FRANCZEK

franczek.com

44

Question

How can you respond if the teacher (who allegedly requested a naked photo of Devon) quit during the investigation?

FRANCZEK

franczek.com

45

Question

Say the teacher didn't quit, but Devon calls to ask to withdraw the Formal Complaint. What do you do?

FRANCZEK

franczek.com

46

Question

It turns out that the incident occurred two years ago, before Devon was a student. What CAN'T you do?

FRANCZEK

franczek.com

47

Question

You're investigating Devon's complaint, when Devon ghosts you completely. Can you dismiss the complaint?

FRANCZEK

franczek.com

48



DISMISSALS

Mandatory if conduct alleged: - Not Title IX Sexual Harassment - Did not occur in the school's program or activity - Did not occur in the United States **can still address under non-Title IX policy	Permissive if: - Complainant requests to withdraw in writing - Respondent's enrollment or employment ends - Specific circumstances prevent school from gathering evidence sufficient to reach a determination (e.g., passage of time, lack of cooperation by complainant)
---	--

49

Forms/Notices

Notice of Dismissal

Notice of Mandatory Dismissal of Allegations of Title IX Sexual Harassment (Franczek Letter 3(a))

Notice of Permissive Dismissal of Allegations of Title IX Sexual Harassment (Franczek Letter 3(b))

FRANCZEK

50

Question

What if the teacher wants to bring a priest to investigation meetings about Devon's complaint?

FRANCZEK

franczek.com

51

Question

The teacher brings an attorney to the investigative interview, and the attorney jumps in every time a question is asked. Can you kick out the advisor and continue the meeting?

FRANCZEK

franczek.com

52

Forms/Notices

Notice to Advisors

Advisor
Conduct
Expectations

FRANCZEK

53

The investigation is done....

- Must share evidence with both parties and advisors simultaneously with 10 days to respond before writing the report
 - Review/consider responses
 - Share responses with the other side

FRANCZEK

54

Forms/Notices

Sharing of Evidence

Notice of Directly
Related Evidence
(Franczek Letter 7(a))

Notice of Other
Party's Written
Response to Evidence
(Franczek Letter 7(b))

FRANCZEK

55

The investigative report

Must fairly summarize relevant evidence

Must be provided to both parties and their advisors simultaneously at least 10 days prior to a hearing (if applicable) or other time of determination

Transmit report and any party written response(s) to the Decisionmaker

FRANCZEK

56

Forms/Notices

Investigative Report

Title IX Investigative
Report Template
(Franczek Form B)

Notice of Investigative
Report (Franczek
Notice 8(a))

Notice of Other Party's
Written Response
(Franczek Notice 8(b))

Transmittal Cover
Letter to Decision-
maker at Conclusion of
Investigation (Franczek
Letter 8(c))

FRANCZEK

57

Decision

Decision-maker
("written cross")
(Franczek Notices 9(a)-
(e))

Written determination
(Franczek Form C -
Written Determination
Template)

58

Appeal Notice

- Upon receipt of an appeal, the Title IX Coordinator must notify the other party/parties of the appeal
- Both parties must be given an opportunity to submit a written statement for or against the appeal

(Franczek Notices 11(a) and (b))

FRANCZEK

59

Bias, Conflicts of Interest, and Other Fairness Concerns

60

Bias, Conflict, Prejudgment

The Title IX Coordinator or designee must not have a conflict of interest or bias for or against Complainants or Respondents generally or for or against any individual Complainant or Respondent. And that they not prejudice any matter before them.

FRANCZEK

61

What Might be Bias, Conflict, Prejudgment?

01

Discouraging a party from submitting certain evidence

02

Using terms like “victim” and “perpetrator”

03

Permitting credibility inferences or conclusions based on party status

FRANCZEK

62

What Might be Bias, Conflict, Prejudgment?

01

Using sex
stereotypes

02

Placing the burden
of proof on one
party

03

Unauthorized
interim suspensions
or other penalties
before conclusion of
grievance process

FRANCZEK

63

What Likely Is Not...



Deciding an allegation
warrants an investigation



Being an employee (and
even attorney)



Finding in favor of one
party over another

FRANCZEK

64

Recordkeeping/File Maintenance

65

Investigation File

- What should be in the investigation file?
 - Complaint
 - Applicable Policies
 - Investigation Plan (can be a living document)
 - Records of Communications
 - Interview Notes
 - Evidence Collected
 - Report

FRANCZEK

A red rectangular stamp with the word "CONFIDENTIAL" in bold, capital letters, set against a yellow, textured background that resembles a piece of paper or a folder.

66

Recordkeeping Essentials

- Overview of Required Recordkeeping
- File Checklist

FRANCZEK

67

Questions?



68

© Franczek P.C. 2025. These materials are not legal advice. These materials are subject to a LIMITED LICENSE AND COPYRIGHT. These materials are proprietary and are owned and copyrighted by Franczek P.C. As training materials used to train Title IX personnel, these materials must be posted publicly by any organization or entity that purchased training for its Title IX personnel using these materials on that organization or entity's website or, if it has no website, must be made available by any such organization or entity for inspection and review at its offices. Accordingly, Franczek P.C. has granted a LIMITED LICENSE to the organization or entity that lawfully purchased training using these materials (the "LICENSEE") to post these materials on its website or otherwise make them available as required by 34 C.F.R. 106.45(B)(10). The LICENSEE and any party who in any way receives and/or uses these materials agree to accept all terms and conditions and to abide by all provisions of this LIMITED LICENSE. Only the LICENSEE may post these materials on its website, and the materials may be posted only for purposes of review/inspection by the public; they may not be displayed, posted, shared, published, or used for any other purpose. Franczek P.C. does not authorize any other public display, sharing, posting, or publication of these materials by the LICENSEE or any other party and does not authorize any use whatsoever by any party other than the LICENSEE. No party, including the LICENSEE, is authorized to copy, adapt, or otherwise use these materials without explicit written permission from Franczek P.C. No party, including the LICENSEE, is authorized to remove this LIMITED LICENSE AND COPYRIGHT language from any version of these materials or any copy thereof. Should any party, including the LICENSEE, display, post, share, publish, or otherwise use these materials in any manner other than that authorized by this LIMITED LICENSE, Franczek P.C. will exercise all available legal rights and seek all available legal remedies including, but not limited to, directing the party to immediately remove any improperly posted content, cease and desist any unauthorized use, and compensate Franczek P.C. for any unauthorized use to the extent authorized by copyright and other law. These materials may not be used by any party, including the LICENSEE, for any commercial purpose unless expressly authorized in writing by Franczek P.C. No other rights are provided, and all other rights are reserved.