

Title IX Investigator, Decisionmaker, Facilitator, and Coordinator Training

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Title IX Overview

Mandatory Reporting Obligations: Title IX mandates that all school employees, with the exception of designated confidential employees, serve as mandatory reporters of any known or suspected incidents of sexual discrimination. Such incidents must be promptly reported to the Title IX Coordinator to ensure the institution's compliance with Title IX's obligations for prompt response.

Confidential Employees' Role: While confidential employees (e.g., counselors, health professionals) are exempt from mandatory reporting, they must inform complainants of their rights and options under Title IX. This includes advising on available resources and supportive measures, as well as explaining potential next steps should the complainant choose to report formally.



Title IX Overview

Restrictions on Disciplinary Actions: Schools must refrain from implementing disciplinary measures related to alleged Title IX violations until an investigation is conducted and reaches an appropriate determination. This procedural safeguard ensures adherence to due process rights and prevents premature punitive actions.

Reporting of Off-Campus Incidents: In cases where a student discloses incidents occurring off-campus that may impact their school experience, staff should report these disclosures to the Title IX Coordinator. This allows the school to assess whether the incident affects the school's educational environment and if Title IX interventions are warranted.



Core Title IX Positions

Title IX Coordinator: As the primary compliance officer, the Coordinator is responsible for overseeing all Title IX activities, including receiving and responding to reports of sexual discrimination, ensuring the implementation of supportive measures, coordinating investigations, and facilitating resolutions.

Deputy Coordinators: Deputies may assist in managing Title IX processes and can be delegated specific responsibilities or cases by the primary Coordinator. Deputies should be well-versed in Title IX to provide appropriate support.

Informal Resolution Facilitators: These individuals handle alternative resolution processes, such as mediation, when both parties consent. Facilitators must remain impartial and avoid conflicts of interest while conducting these processes.



Core Title IX Positions

Investigators: Responsible for conducting thorough, unbiased investigations into formal complaints. Investigators collect evidence, interview witnesses, and compile a report of findings for review by the Decisionmaker.

Decisionmakers: After reviewing investigative findings, Decisionmakers assess evidence and make determinations regarding responsibility. Their conclusions should be based solely on the presented evidence and in accordance with Title IX standards.

Appeals Officers: Handle any appeals filed by either party. Appeals Officers review the original findings and ensure that the initial decision-making process was fair, unbiased, and in full compliance with Title IX requirements.



Mandatory Training Requirements - § 106.8(d)

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Scope of Training Requirements: Title IX necessitates that all personnel involved in the Title IX process receive comprehensive training that covers their specific responsibilities under the law. Training must occur upon hiring, upon any role change, and be renewed annually to ensure all staff remain well-informed on Title IX requirements.

Training Coverage: Training must address areas critical to Title IX compliance, including but not limited to reporting obligations, definitions of sexual harassment, investigative procedures, impartiality, and the application of evidence. This ensures that all staff are equipped to manage Title IX cases effectively and ethically.



Mandatory Training Requirements - § 106.8(d)(1)

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Obligatory Training Topics for All Staff

Institutional Duty to Address Discrimination: All employees must understand the school's affirmative duty to prevent and respond to sex discrimination within its programs and activities, per Title IX's mandates.

Defining Sex-Based Harassment and Discrimination: Employees are trained to recognize various forms of sex discrimination, including sexual harassment. Clarity on these definitions is essential for accurate reporting and response.

Notification and Information Protocols: Title IX mandates that specific notification requirements be met. Staff must be familiar with these protocols, including what information must be communicated to parties involved in a Title IX complaint.



Mandatory Training Requirements - § 106.8(d)(2)

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Enhanced Training Requirements

Detailed Grievance Process Knowledge: Investigators and Decisionmakers require a deep understanding of the school's grievance procedures under §106.45. This includes procedural rights of both parties, standards for evidence, and requirements for prompt, equitable investigations.

Maintaining Impartiality: Title IX training for Investigators and Decisionmakers emphasizes neutrality. They must avoid prejudgment, recognize potential conflicts of interest, and work to mitigate any implicit biases that could impact their objectivity.

Relevance of Evidence: Training covers the concept of "relevant" evidence, including types of permissible and impermissible evidence. Notably, evidence of a complainant's prior sexual behavior is generally inadmissible unless it directly pertains to the case, such as evidence proving consent or another explanation for certain facts.



Mandatory Training Requirements - § 106.8(d)(3)

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Specialized Training for Informal Resolution Facilitators

Facilitators of informal resolution processes, such as mediation or other alternative dispute resolution mechanisms, receive training tailored to their specific roles. Key components include:

- ▶ **Understanding Informal Resolution Procedures:** Facilitators must be well-versed in the school's informal resolution policies, ensuring that they can guide both parties through the process effectively.
- ▶ **Objectivity and Impartiality:** Facilitators must uphold a standard of impartiality, refraining from bias and avoiding conflicts of interest throughout the resolution process.



Coordinator-Specific Training and Responsibilities

Role-Specific Knowledge: The Title IX Coordinator, along with designated support personnel, undergoes specialized training on their responsibilities under Title IX, including compliance management, recordkeeping, and coordination of Title IX-related activities within the institution.

Recordkeeping and Compliance: Coordinators must understand and manage recordkeeping protocols as required under §106.8(f). This includes maintaining records of complaints, investigation outcomes, supportive measures provided, and any training materials for public review.



Designation of a Title IX Coordinator - § 106.8(a)

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Appointment and Authority of the Title IX Coordinator

Coordinator's Authority: Title IX mandates that each institution appoint a Title IX Coordinator with the authority to oversee compliance efforts, manage reports, and ensure timely responses to allegations of sex discrimination.

Delegation to Designees: While the Coordinator may delegate certain responsibilities to deputies or other designees, the Coordinator retains ultimate responsibility for the school's adherence to Title IX. This oversight ensures uniformity and accountability in handling Title IX matters.



Obligations to Pregnant and Parenting Students

Schools must provide necessary modifications to accommodate students who are pregnant or dealing with related medical conditions. These modifications may include:

- ▶ **Reasonable Adjustments:** Such as access to breaks, lactation facilities, and, where appropriate, flexible academic or homebound options.
- ▶ **Medical Leave:** Students requiring medical leave for pregnancy-related reasons must be allowed to take leave as needed and, upon return, reinstated to their prior academic and extracurricular standing.
- ▶ **Coordinator's Role in Compliance:** The Title IX Coordinator is responsible for coordinating these actions, ensuring that all accommodations are provided promptly and in a non-discriminatory manner.



School's Responsibility to Inform and Support

Disclosure Obligations: The Title IX Coordinator must inform the student (or their representative) of the school's legal obligations concerning pregnancy and parenting accommodations. This includes informing them of relevant provisions under §106.40(b) and §106.44(j), which address confidentiality and non-discrimination.

Acceptance or Decline of Modifications: Students have the right to accept or decline reasonable modifications. Should a student accept, the school is required to implement these accommodations promptly.

Types of Modifications: Examples include, but are not limited to, regular breaks for health needs, lactation accommodations, excused absences for medical appointments, access to online or homebound education, and flexibility with coursework deadlines.



Pregnancy or related conditions - § 106.40(b)(3)

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Access to Medically Necessary Leave

Voluntary Medical Leave: Title IX mandates that schools allow students to take voluntary leave for any medically necessary period, as determined by their healthcare provider. This ensures that students can manage health needs without academic penalty.

Reinstatement Rights: Upon return, students must be reinstated to their prior academic and extracurricular status, with all previous benefits and opportunities restored. This safeguard protects the student's educational continuity and access.

Access to Lactation Spaces: Schools are required to provide a designated, private space for lactation, ensuring that returning students have facilities that support their parenting responsibilities.



Recordkeeping - § 106.8(f)

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Comprehensive Documentation Requirements

Minimum Record Retention: Institutions must retain Title IX-related records, including documentation of complaints, investigations, resolutions, and training materials, for at least seven years.

Accessibility of Training Materials: Schools are required to make Title IX training materials available for public inspection upon request, promoting transparency in compliance practices.



Recordkeeping – Best Practices

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Comprehensive Documentation: Schools should document each complaint, including any informal resolutions and grievance procedures, as well as final outcomes. Detailed recordkeeping provides transparency and enables compliance verification.

Confidentiality Protocols: Schools must establish strict confidentiality protocols for handling Title IX records, ensuring that sensitive information remains protected. Only authorized personnel should access these records.

Incident Tracking and Timeliness: Schools are encouraged to use tracking systems to monitor the status and timeliness of Title IX responses, allowing for efficient follow-up and adherence to procedural deadlines.



Recordkeeping – Best Practices

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Strategies for Effective Documentation

Staff Training on Recordkeeping: All Title IX staff should be trained on proper documentation practices, including procedures for recording supportive measures, actions taken, and communications with involved parties.

Retention Policies: Schools must develop clear policies on record retention, outlining the duration for keeping records in accordance with §106.8(f) and Title IX guidelines.

Response to Records Requests: Schools should have protocols for handling requests to inspect Title IX records, balancing public access with confidentiality protections as permitted under law.



Other Reporting Requirements in Compliance with Local and State Laws

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Differentiation Between Substantiated and Unsubstantiated Charges

Substantiated Charges: Records of substantiated allegations of sexual harassment may be placed in the respondent's file to reflect documented findings. This step must be done in compliance with both Title IX and any additional state regulations.

Unsubstantiated Charges: Documents related to unsubstantiated allegations should not be placed in the respondent's student file. Instead, schools should maintain these records separately within a confidential file, safeguarded by the Board of Trustees or designated Title IX office.



School's Response to Sex Discrimination

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Responding to Sex Discrimination – General § 106.44(a)

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Prompt and Effective Response

Knowledge Triggers Duty to Act: Title IX requires schools to respond promptly and effectively upon gaining knowledge of conduct that could constitute sex discrimination. It is the knowledge of the conduct itself, rather than formal reporting, that mandates the school's duty to act.

Comprehensive Response Obligations: Once aware of potential sex discrimination, the school must implement measures to address and remedy the impact within its educational programs or activities.



Responding to Sex Discrimination – Barriers to Reporting § 106.44(b)

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School must require Title IX Coordinator to monitor school's education program or activity for barriers to reporting information about conduct that may constitute sex discrimination and take steps reasonably calculated to address such barriers



Responding to Sex Discrimination – Notification Requirements § 106.44(c)

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Mandatory Notification for Non-Confidential Employees

Employee Obligations: Elementary and secondary school employees who are not designated as confidential must notify the Title IX Coordinator when they have information about potential sex discrimination.

Immediate Reporting: These employees should be trained to report promptly, ensuring the Title IX Coordinator can respond swiftly and in line with Title IX's proactive requirements.



Responding to Sex Discrimination – Confidential Employee Requirements § 106.44(d)

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A school must notify all participants in the school's education program or activity of how to contact its confidential employees.

Confidential employees can include, but are not limited to:

- ▶ Physical health care employees
- ▶ Mental health care employees
- ▶ Pastoral/religious counselors



Responding to Sex Discrimination – Confidential Employee Requirements § 106.44(d)

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Informing Complainants About Title IX Options

Explanation of Confidential Status: Confidential employees must explain their role and confidentiality obligations to individuals who disclose potential sex discrimination. This includes explaining when they are not required to notify the Title IX Coordinator.

Connection to Title IX Coordinator: Confidential employees should provide contact information for the Title IX Coordinator and explain the benefits of making a formal report.

Awareness of Supportive Measures: Confidential employees should inform complainants about supportive measures that the Title IX Coordinator can offer, even if the individual chooses not to file a formal complaint.



Responding to Sexual Harassment

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Institutional Duty to Avoid Deliberate Indifference

Standard of “Deliberate Indifference”: Title IX requires that schools respond to complaints of sexual harassment in a manner that is not “clearly unreasonable.” This means that the school must take prompt, effective action based on the known circumstances to prevent and address harassment.

Responsibility for Reasonable Actions: Failure to act appropriately in response to known harassment could result in Title IX liability for the institution. The school’s actions should align with Title IX’s standards for equitable treatment and preventive measures.



Responding to Sex Discrimination – Title IX Coordinator Requirements § 106.44(f)

Coordinator's Initial Response

Equitable Treatment for Complainant and Respondent: The Coordinator must ensure that both parties receive fair and unbiased treatment throughout the Title IX process.

Offer and Coordinate Supportive Measures: The Coordinator must provide supportive measures for the complainant upon notification of the incident, and also for the respondent if the grievance or informal resolution process is initiated.

Notice of Procedures: The complainant should be informed of the grievance and informal resolution procedures. If a formal complaint is filed, the respondent should be notified of the procedures and available support.



Responding to Sex Discrimination

Commencement of Formal Grievance or Informal Resolution Process

Fact-Specific Determination: The Title IX Coordinator must assess if the allegations present an imminent and serious threat or if they impact the complainant's access to the education program or activity. This evaluation involves considering factors such as the complainant's request not to proceed, safety concerns, and potential severity of discrimination.

Initiation Based on Threat Level: If the Coordinator determines that the alleged conduct poses a serious threat or impedes access to education, they are authorized to proceed with the grievance process or initiate a formal complaint.



Responding to Sex Discrimination

Eight Factors to Consider:

- ▶ The Coordinator should consider these factors:
- ▶ Complainant's request for non-initiation of a complaint
- ▶ Safety concerns regarding the initiation of a complaint
- ▶ Risk of additional discriminatory acts if no complaint is initiated
- ▶ Severity and scope of the alleged discrimination
- ▶ Relationship and age of the involved parties
- ▶ Potential pattern or multiple impacted individuals
- ▶ Availability of evidence for determination
- ▶ School's ability to end and prevent recurrence of discrimination without a formal complaint



Responding to Sex Discrimination

Pre-Complaint Notification to Complainant

Notifying Complainant of Intent to Proceed: If the Coordinator decides to proceed with initiating a complaint, they must notify the complainant of this decision, providing an opportunity to address any concerns regarding safety and support.

Provision of Additional Measures: The Coordinator may implement further measures to mitigate any immediate risks, independent of the complaint process.



Responding to Sex Discrimination – Supportive Measures § 106.44(g)

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Under the Title IX regulations, **both the complainant and the respondent** are entitled to receive supportive measures. 34 C.F.R. § 106.44(f).

- ▶ May vary depending on what school deems is reasonably available
- ▶ Must not unreasonable burden either party and must not impose measures for punitive or disciplinary reasons
- ▶ School may modify or terminate supportive measures at the conclusion of the grievance procedure or informal resolution process (complainant or respondent may appeal the school's decision to modify or terminate supportive measures as well)



Responding to Sex Discrimination – Supportive Measures § 106.44(g)

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Requirements for Supportive Measures

Non-Punitive and Non-Disciplinary: Supportive measures are designed to maintain access to educational programs without imposing any disciplinary or punitive consequences on either party.

Customizable Based on Need: These measures should be adapted to meet the individual needs of each party. Examples include:

Academic Adjustments: Extensions on assignments or the ability to retake exams.

Mental Health Support: Access to counseling or mental health services.

Physical Safety Measures: Mutual no-contact directives, modifications to schedules, or supervised entry/exit from school facilities.

Adjustments for Students with Disabilities: If either party has a disability, supportive measures must align with their rights under the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act. This includes consulting with the student's IEP or 504 team to implement suitable measures.



Supportive Measures

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- ▶ Examples of supportive measures include:
 - ▶ Counseling.
 - ▶ Extension of deadlines.
 - ▶ Modification of work or class schedules.
 - ▶ Accompanying services.
 - ▶ Mutual restrictions on contact between individuals.



Grievance Procedures

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Overview of Grievance Procedures

Prompt and Equitable Resolution: Title IX requires that grievance procedures ensure timely, fair resolution of complaints, with clearly defined stages from initial filing to final determination.

Presumption of Non-Responsibility: The respondent is presumed not responsible until a determination is made at the conclusion of the grievance process. This presumption upholds fairness and aligns with due process standards.

Opportunity for Appeal: Title IX guarantees both complainants and respondents the right to appeal, which helps to safeguard against potential procedural or factual errors in the initial decision.



Grievance Procedures - § 106.45

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Key Procedural Safeguards

Impartiality and Training: Title IX personnel, including Coordinators, Investigators, and Decisionmakers, must be trained to avoid conflicts of interest and bias. This impartiality is essential to the integrity of the grievance process.

Confidentiality: Schools must take reasonable steps to protect the privacy of all parties, witnesses, and information throughout the grievance process.

Promptness: Procedures should establish timelines for each stage, ensuring that cases proceed in a timely manner without unnecessary delays.



Grievance Procedures - § 106.45

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Standards for Evidence

Relevance of Evidence: The school must evaluate all relevant evidence, while excluding any information that is impermissible under Title IX standards. For example:

- ▶ **Privileged Information:** Records protected by legal privilege, such as medical or therapy records, are excluded unless the party gives written consent.
- ▶ **Prior Sexual History:** Generally, evidence of a complainant's past sexual behavior is inadmissible, except under limited circumstances (e.g., to prove consent or an alternative explanation for certain conduct).
- ▶ **Consistent Principles:** If a school adopts varying grievance procedures for different types of complaints, they must clearly articulate consistent principles for determining which procedures apply to each case.



Grievance Procedures - § 106.45

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Requirements for Initial Notice

Detailed Notice to Parties: Upon initiation of the grievance process, schools must provide both parties with written notice of allegations, which includes:

Identity of Parties Involved: Names of the complainant and respondent.

Conduct Alleged: Description of the alleged discriminatory conduct.

Date and Location of Incident(s): Key details of when and where the alleged conduct took place.

Anti-Retaliation Statement: The notice must inform parties that retaliation is prohibited under Title IX and outline any relevant protections.

Equal Access to Evidence: Both parties are entitled to access relevant evidence, either directly or through accurate summaries of such evidence.



Response to Allegations – An Overview

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Permissibility of Consolidation

Handling Related Complaints Together: Schools may consolidate multiple complaints when allegations arise from the same facts or circumstances. For example, if multiple individuals allege harassment by the same respondent in a similar context, these complaints may be addressed collectively.

Consistency in Procedures: Consolidation helps streamline investigations and ensures that similar complaints are addressed in a uniform manner, maintaining procedural consistency.



Response to Allegations

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Comprehensive Investigation Standards

School's Burden to Gather Evidence: It is the responsibility of the school, not the parties, to collect sufficient evidence relevant to the allegations. This includes both incriminating and exculpatory evidence.

Equal Opportunity for Participation: Both parties must have the opportunity to present witnesses and evidence that support their position.

Transparency and Access to Evidence: Both parties must have equal access to relevant evidence collected during the investigation, either directly or through summaries provided by the school.



Investigator's Role in Evidence Collection - § 106.45(f)

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Investigator's Responsibilities

Gathering Relevant Evidence: The burden of evidence collection rests on the school, not the parties involved. This includes compiling both inculpatory and exculpatory evidence.

Equal Opportunity for Evidence Presentation: Both parties should have the opportunity to present evidence and witnesses supporting their account. This ensures balanced participation in the investigative process.

Accessibility of Evidence: Schools must allow both parties to access the collected evidence directly or through summaries, ensuring transparency and fair opportunity to review relevant materials.



Grievance Procedures - § 106.45

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Process for Credibility Assessment

Questioning by Decisionmaker: The school must ensure that the Decisionmaker has the opportunity to question parties and witnesses to assess credibility. This is particularly relevant if credibility is disputed and has an impact on evaluating the allegations.

Safeguards for Fair Questioning: The questioning process should be respectful, unbiased, and in accordance with established procedures to protect the rights and dignity of all parties involved.



Standards for Determination

Evidence Standard: Schools are required to use the “preponderance of the evidence” standard unless a higher standard (e.g., “clear and convincing”) is applied consistently across all comparable proceedings.

Notification of Decision: Both parties must receive a written notification of the determination, including a clear rationale for the decision and details on permissible grounds for appeal.



Dismissal of Complaints - §106.45(d)

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Grounds for Dismissal

Mandatory Dismissal: A school must dismiss a complaint if it does not meet Title IX's criteria for sexual harassment or if the respondent is not under the school's authority (e.g., the respondent is no longer a student or employee).

Discretionary Dismissal: The Title IX Coordinator may dismiss a complaint if the complainant voluntarily withdraws the allegations, if specific conduct does not constitute sex discrimination, or if the Coordinator determines further investigation is unwarranted.

Provision of Supportive Measures: In cases of dismissal, the school is still required to offer supportive measures to the complainant and take appropriate steps to prevent recurrence of discrimination.



Post-Determination Remedies and Disciplinary Actions - §106.45(h)

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Implementation of Remedies

Provision of Remedies for Complainant: When a finding of responsibility is made, the Title IX Coordinator coordinates with school administration to implement remedies for the complainant. These may include educational adjustments, counseling, or other support services.

Disciplinary Measures for Respondent: Disciplinary actions against the respondent, such as suspension or expulsion, may only be imposed after the grievance process has concluded.

Prohibition of Retaliatory Discipline: Schools are prohibited from disciplining any party, witness, or participant solely based on participation in the grievance process or for making a false report unless evidence demonstrates intentional falsification.



Informal Resolution Option

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Equal Appeal Process for All Parties: Title IX requires that both parties have identical opportunities for appeal. Schools must ensure that appeals are handled by personnel who were not involved in the original investigation or decision.

Informal Resolution Options: Schools may offer informal resolution options, such as mediation, only if both parties consent in writing and after they have been notified of their rights under the grievance procedure. Either party may withdraw from the informal process at any time in favor of pursuing the formal grievance process. Informal resolution is not an option in cases where an employee is accused of sexually harassing a student.



Supportive Measures During Informal Resolution

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Provision of Supportive Measures

Equal Access to Support: During informal resolution, both parties are entitled to supportive measures to ensure continued educational access without compromising either party's position in the process.

Temporary Measures: Supportive measures may include counseling, academic adjustments, no-contact orders, and scheduling accommodations. These measures are designed to safeguard both parties and maintain a neutral environment.



Finalizing Informal Resolutions

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Closure of Informal Resolution

Written Documentation: Upon successful completion of an informal resolution, the agreement must be documented, outlining any agreed-upon terms. This documentation provides a record of the resolution.

Binding Nature of Resolution: Once an informal resolution is reached and documented, it is binding for both parties, concluding the complaint unless specific terms for future adjustments are included.



Conflicts of Interest

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Definition and Identification

Understanding Conflicts of Interest: Although Title IX does not provide a strict definition, a conflict of interest generally arises when personal or financial interests could compromise an individual's objectivity in handling a Title IX case.

Sources of Conflict: Conflicts may stem from personal relationships, financial interests, or prior involvement in related matters. Title IX personnel should be vigilant in identifying and managing potential conflicts to maintain the fairness of the process.



Indicators of Conflicts of Interest

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Sources and Indicators of Conflict

Relationships and Financial Interests: Conflicts may arise from personal or professional relationships with parties involved, as well as financial stakes in the outcome.

Prior Involvement in Related Matters: Staff who have previously worked with the parties or were involved in related disciplinary matters should avoid participation in the current Title IX case to prevent any appearance of bias.

Bias in Decision-Making: Any perceived or real bias should be managed or disclosed to maintain objectivity in all Title IX proceedings.



Additional Conflict of Interest Considerations

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Ensuring Neutrality

Reassigning Roles When Necessary: If a conflict of interest is identified, the involved personnel should recuse themselves and, if possible, another trained Title IX staff member should be assigned to the case.

Impartial Decision-Making: Maintaining a clear, objective stance is essential for all Title IX staff. The process should focus on fairness, ensuring that any potential conflicts are addressed proactively.



Grounds for Appeal

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Comprehensive Grounds for Appeal

Procedural Errors: Any deviations from established procedures that could affect the outcome justify an appeal.

Newly Discovered Evidence: If new information emerges that was unavailable during the initial investigation, it may warrant a reconsideration of the decision.

Disproportionate Sanctions: An appeal can be based on claims that the sanctions imposed were excessive or inconsistent with the findings.

Conflict of Interest or Bias: If a party can demonstrate that Title IX personnel involved in the case had a conflict of interest or displayed bias, this may serve as grounds for appeal.



Appeal Process and Rights of Parties

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Procedural Equality in Appeals

Written Statements from Both Parties: Both complainants and respondents may submit statements during the appeal to either challenge or support the initial outcome.

Final Decision Notification: After review, the appeal decision is communicated to both parties, with a clear explanation of the final ruling and any changes to the original outcome.



Role of the Neutral Hearing Officer in Appeals

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Appointment of Neutral Hearing Officers

Non-Affiliated Individuals: If the school's Board of Trustees has presided over the initial case, they should appoint an independent, neutral hearing officer to handle the appeal, ensuring impartiality.

Qualifications: The hearing officer must not be an employee of the school, nor have served as the initial Investigator or Decisionmaker in the complaint, to maintain objectivity and reduce bias.



Ensuring Transparency in Appeal Outcomes

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Notification and Documentation

Transparency in Communication: Both parties must receive timely notification regarding the outcome of their appeal, along with an explanation of any changes made to the decision.

Documentation for Recordkeeping: All appeal outcomes should be documented as part of the school's Title IX records, ensuring consistent documentation for future reference and compliance checks.



Post-Resolution Responsibilities of Title IX Coordinator

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Monitoring of Supportive Measures

Ongoing Implementation: Following the resolution of a Title IX complaint, the Coordinator should continue to monitor any supportive measures put in place to ensure they remain effective and are adjusted as needed.

Long-Term Impact Assessment: The Coordinator may conduct follow-up meetings with the complainant and respondent to assess the long-term impact of the resolution and ensure that no further actions are needed.

Prevention of Retaliation: The Coordinator must take steps to prevent retaliation against any party involved in the grievance process. This includes:

- ▶ **Clear Communication on Retaliation Prohibition:** Both parties should be reminded of Title IX's anti-retaliation protections, which prohibit any adverse actions taken as a result of participation in a Title IX complaint.
- ▶ **Monitoring for Retaliation:** The Coordinator should actively monitor for any potential retaliation and address it promptly if it occurs



Maintaining Records of Resolutions and Appeals - §106.45(b)(10)

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Comprehensive Recordkeeping Requirements

Retention of Records: Schools are required to retain records of each Title IX complaint, including all investigations, informal resolutions, and appeals, for a minimum of seven years.

Details of Final Decisions: These records must include details of each final determination, remedies provided to the complainant, sanctions imposed on the respondent, and any measures taken to prevent recurrence.

Public Accessibility of Training Materials: Schools must make Title IX training materials publicly available upon request, fostering transparency and trust within the school community.



Documenting Compliance with Title IX

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Compliance Assurance through Documentation

Creation of Detailed Records: Coordinators should maintain meticulous documentation of all Title IX cases, including timelines, responses, supportive measures, and outcomes.

Annual Compliance Review: It is best practice to conduct annual reviews of Title IX files to ensure ongoing compliance with regulatory requirements and address any areas for improvement.

Regular Updates to Policies: Schools should periodically review and update their Title IX policies and training materials to reflect changes in federal or state guidance.



Reporting Requirements for Schools

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Transparency in Reporting

Annual Reporting on Title IX Activity: Schools are encouraged to publish annual reports on Title IX-related activities, summarizing the number of complaints received, general types of issues addressed, and any steps taken to improve Title IX processes.

Ensuring Confidentiality: These reports should be structured to maintain confidentiality for individual cases while still offering transparency regarding the school's overall compliance efforts.



Title IX Coordinator's Role in Policy Review and Revision

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Policy Review Responsibility

Regular Review of Policies and Procedures: The Title IX Coordinator should schedule periodic reviews of Title IX policies, ensuring they align with current regulations and best practices.

Collaboration with Legal and Compliance Experts: Coordinators are encouraged to collaborate with legal and compliance professionals to review and refine policies, minimizing the risk of procedural lapses or non-compliance.

Addressing Policy Gaps: Identifying and addressing gaps within the school's existing Title IX procedures can help streamline processes and enhance overall effectiveness.



Final Thoughts and Key Takeaways

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Emphasis on a Proactive, Supportive Approach

Importance of Fairness and Neutrality: The Title IX Coordinator's role is central to ensuring that all Title IX processes are fair, neutral, and supportive of both complainants and respondents.

Commitment to Continuous Improvement: Coordinators are encouraged to foster a culture of continuous improvement, addressing any deficiencies in training, processes, or policy implementation as they are identified.

Building a Safe Educational Environment: Ultimately, Title IX seeks to establish a safe and inclusive environment where all students and staff feel supported and protected from discrimination and harassment. Coordinators play a critical role in achieving this vision by maintaining robust compliance practices and prioritizing the well-being of the entire school community.



Questions?

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