

TITLE IX REFRESHER



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Roles

- Title IX Coordinator
 - Investigator
 - Decision Maker
 - Appellate Decision Maker
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- Note: anyone playing any role must be properly trained!

Coordinator

- This person is identified on your website and in your policy if you use MTSBA model policies. That means whoever is playing this role needs to stay consistent and if who is playing it changes, you need to make sure to update their contact information everywhere.
- This person is responsible for coordinating the process, having the initial meeting, and offering supportive measures.
- This individual can also be the Investigator.

Investigator

- The Title IX Coordinator can play this role. These are the only two roles that can overlap.
- This individual is responsible for gathering facts and evidence. They are not making the determination if a violation occurred.

Decision Maker

- This role cannot overlap with another.
- This should be someone that has disciplinary authority.
- This person reviews all the evidence and facts and determines whether a Title IX, or any other violation occurred.

STEP 1: Opportunity to File Report and Give Supportive Measures

- If anything is reported that could fall under the definition of sexual harassment as defined in your policy, the Title IX Coordinator must meet with the Complainant and their parents.
- During this meeting, the Complainant is given a copy of your Title IX policies and a reporting form with the option to fill it out.
- The Complainant should also be offered supportive measures.
- In certain circumstances, such as alleged violations by a teacher against a student, the Title IX Coordinator may have to sign the complaint even if the Complainant does not want to move forward.

STEP 2: Send Appropriate Notices

- Once a complaint has been received, the Coordinator must send out appropriate notices.
- If the complaint is being dismissed, this will be a Notice of Dismissal indicating why the complaint is being dismissed.
- If the complaint is moving forward, this will be a Notice of Complaint that includes the allegations. The Investigator will also send a Notice of Interview to the parties and all witnesses being interviewed.
- Note: Parties cannot remain anonymous during this process, but retaliation is prohibited. Witnesses can remain anonymous.

STEP 3: Conduct the Investigation

- Conduct interviews of the parties and witnesses. Parents, advocates, and attorneys should be allowed in interviews, but cannot answer for the person they are with.
- At this time, the Investigator should also be collecting any evidence.
- Note: No one can be forced to participate in the process.

STEP 4: Evidence Review Period

- Prior to completion of the Investigation Report, the Investigator must send all parties a Notice of Right to Inspect Evidence and give them 10 days after inspection to provide a written response to the evidence. A notice should also go out indicating if there is no evidence.
- Some evidence can be sent as copies with the Notice. Other things like documents containing confidential information and video footage should not be sent out. Give the parties the option to schedule a time to come review that evidence with the Coordinator. The 10-day response period will start after they review the evidence.
- The Investigator does not need to respond to any written responses to evidence, they just must consider it in their Investigation Report.

STEP 5: Investigation Report and Opportunity to Respond

- After the investigation is complete and the parties have been provided the opportunity to respond to evidence, the Investigator can complete the Investigation Report.
- This report does not include any conclusions but rather outlines all the information and evidence.
- Once the report is complete, it must be sent simultaneously to both parties along with notice that they have 10 days to provide a written response to the Investigation Report to the Decision Maker.

STEP 6: Written Questions Period

- If you use MTSBA model policies, when the Investigation Report is sent out, the Title IX Coordinator also needs to send the parties notice of their opportunity to exchange written questions. If you do not use MTSBA model policies, this notice should be sent out after the 10-day period to respond to the Investigation Report has lapsed.
- If the parties exchanged written questions, the Decision Maker must review them and exclude any irrelevant questions. Explanations for the exclusion must be provided to the party that asked the question. The parties (if they choose) will respond to the questions and submit those responses to the Decision Maker, who will provide them to the parties. The parties will then have the opportunity to ask follow-up questions, which the Decision Maker will again review, exclude irrelevant questions, and provide explanations for any exclusion. The questions and answers will then be exchanged again.

STEP 7: Written Determination


- After the written questions period and 10-day period to respond to the Investigation Report have ended, the Decision Maker can then issue a notice of Written Determination. This will include information about appeals.
- The Written Determination indicates whether the district's Title IX policy, or any other policy or handbook provision, has been violated. This determination also contains information on actions that will be taken following completion of the process.
- Note: Supportive measures should be available throughout the process and after.

STEP 8: Appeals

- The Appellate Decision Maker cannot play another role.
- There are limited grounds for appeal of a decision, so the Appellate Decision Maker will determine which appeals are granted or denied.
- The length of time for appeals will vary depending on which policies and administrative procedures you use.
- Note that both parties must be given an opportunity to provide a written statement in support of or challenging the outcome.
- The Appellate Decision Maker must issue a written decision describing the result⁶ of the appeal and rationale for the result.

Some friendly, but important, reminders.

- Discipline- If you are unsure if a Title IX investigation should be done, contact an attorney. Do not do your own investigation and subsequent discipline.
- Deadlines- Check the deadlines in your policies and procedures. Your district's Title IX process is outlined in either board policy 3225 or 3225-P(1) and your administrative procedures.



Thank you! Questions?