Title IX Training

NATALIE HOERNSCHEMEYER

GRANT WIENS

AUGUST 17, 2026

Agenda

- History
- Definitions
- Response to Notice or Report
- Response to Formal Complaint
- Investigative Process
- Decision & Appeal

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Definition of Title IX Sexual Harassment

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Title IX 2020 Sexual Harassment

- Quid Pro Quo Harassment
- Hostile Environment
- Harassment under Violence Against Women Act & Clery Act

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Quid Pro Quo Harassment

- An employee conditioning an aid, service, or benefit of the district on an individual's participation in unwelcome sexual conduct
- Does not need to be evaluated for "severity, pervasiveness, and objective offensiveness"
- Expressed or implied

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Hostile Environment

- Unwelcome conduct
- Reasonable person
- Severe, pervasive, and objectively offensive
- Effectively denies a person's equal access to education program or activity

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Harassment under VAWA & Clery Act

- Sexual Assault
- Dating Violence
- Domestic Violence
- Stalking

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Sexual Assault

- Rape
- Sodomy
- Sexual Assault with Object
- Fondling
- Incest
- Statutory Rape

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Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim

Existence of relationship determined based on consideration of the length, type, and frequency of interaction

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse

Dating violence does not include acts covered under the definition of domestic violence

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Domestic Violence

Felony or misdemeanor committed by:

- Current or former spouse or intimate partner of the victim
- Person with whom the victim shares a child in common
- Person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
- Person similarly situated to a spouse of the victim under the domestic or family violence laws of Missouri
- Person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Missouri

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Stalking

- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress



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Location

In an educational program or activity - locations, events, or circumstances over which the school district exercised substantial control over both the Respondent and the context in which the sexual harassment occurs

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Retaliation

- Adverse treatment in response to seeking protection under Title IX
- May be independent basis for charge or litigation
- Examples include harassment in educational program, discipline, or denial of participation

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Response to Report of Sexual Harassment

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What is the difference?

Report

Formal Written Complaint

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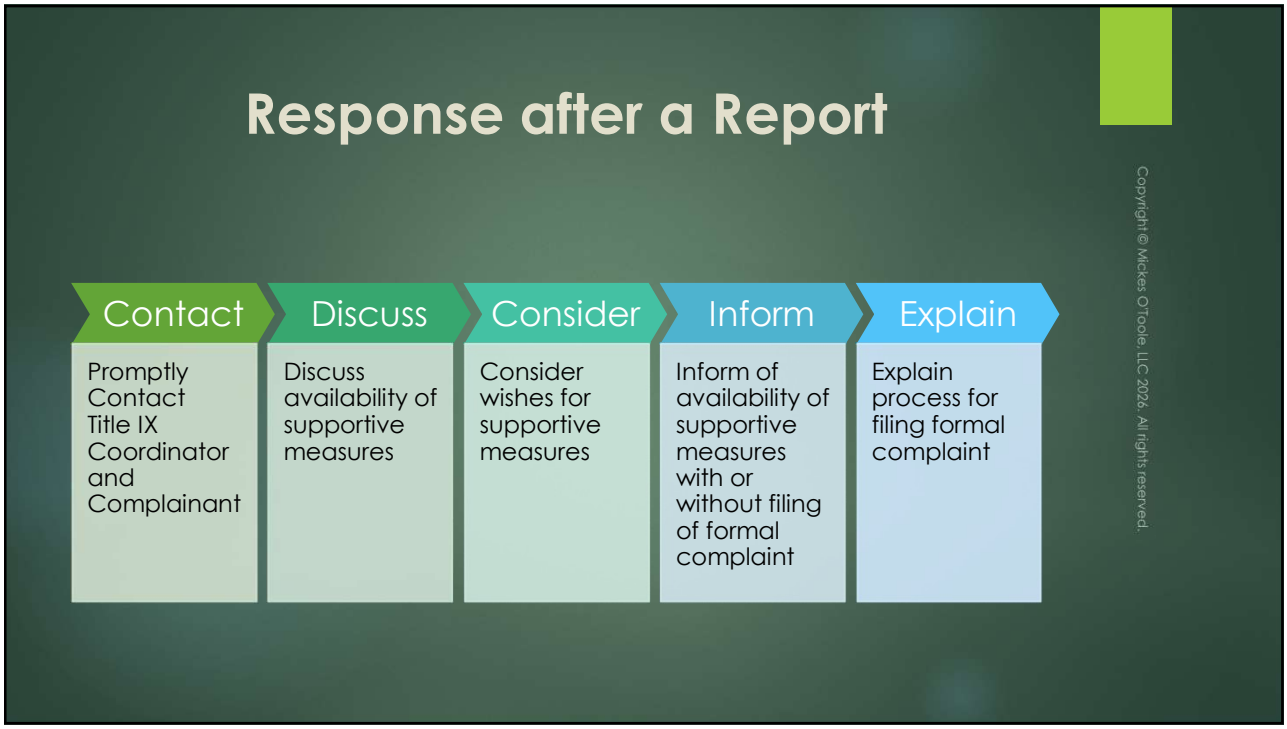
Report of Actual Knowledge

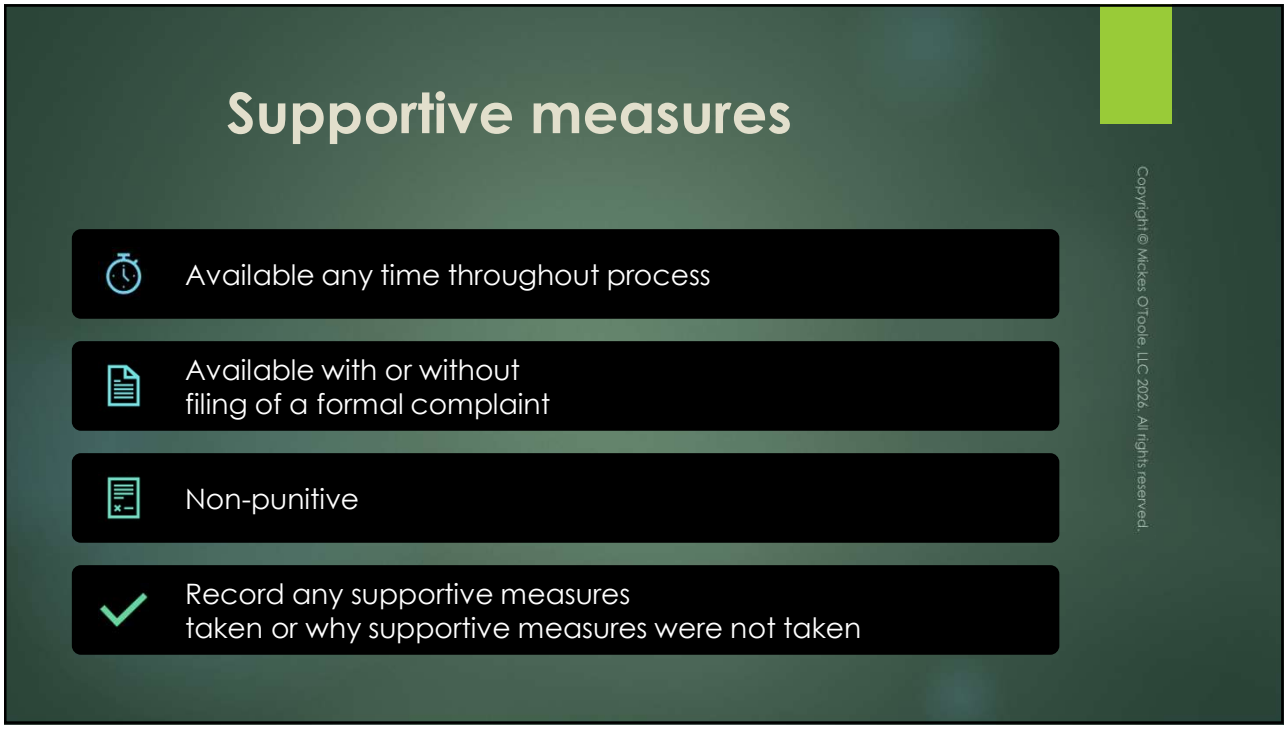
"Actual knowledge" is notice of sexual harassment or allegations of sexual harassment to **any district employee**

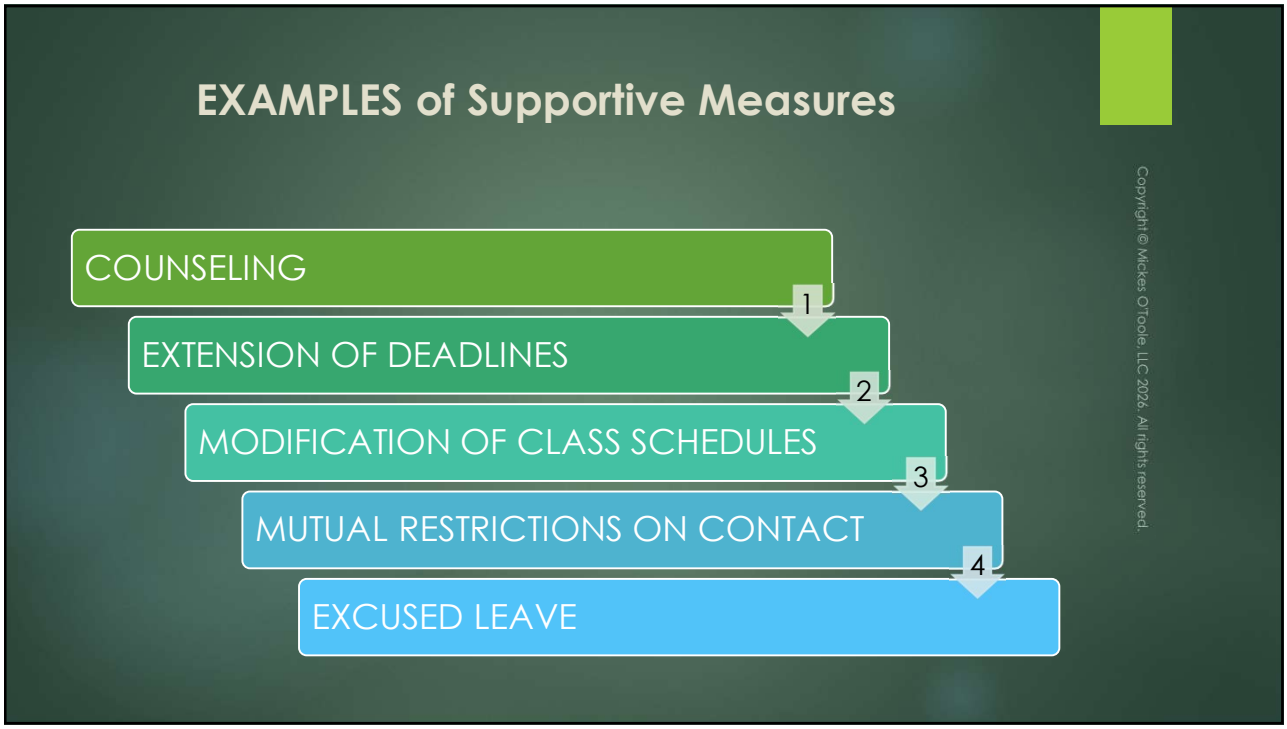
Any person may REPROT sexual discrimination (alleged victim or any third party)

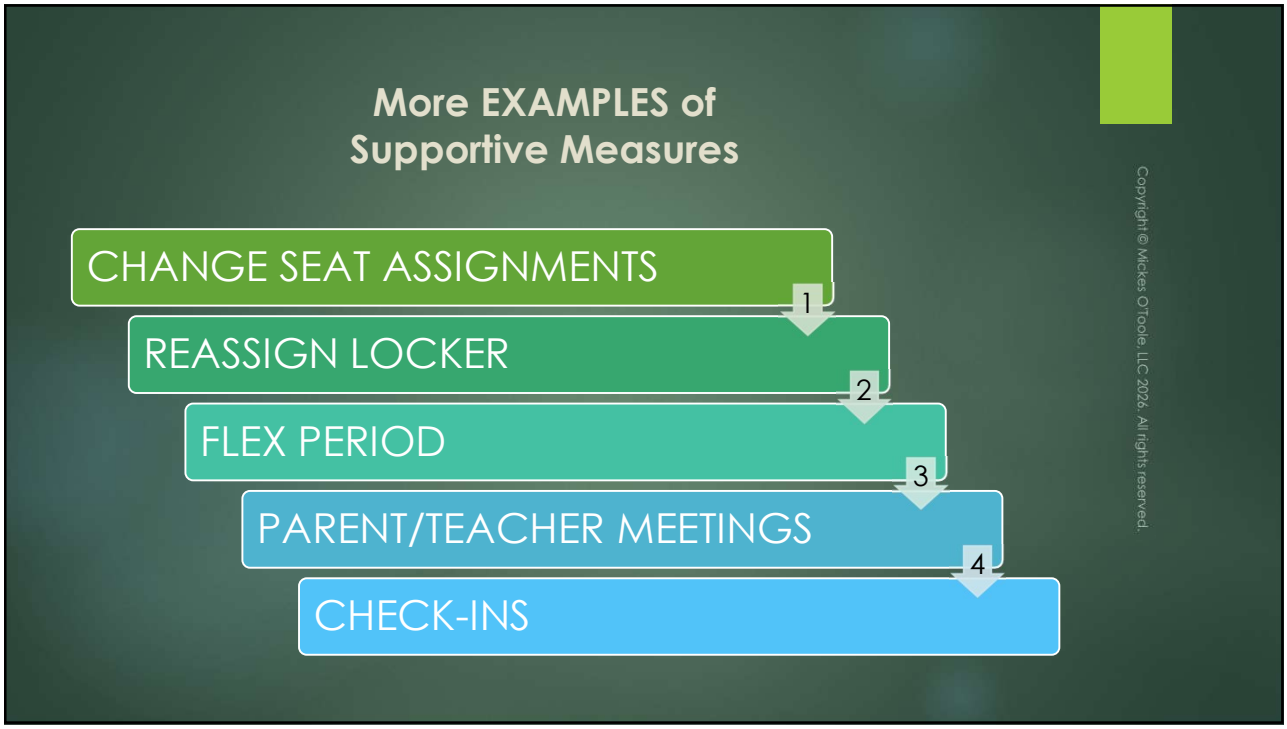
Report to Title IX Coordinator in person, by mail, phone, or email

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Response after a Report
Contact
Promptly Contact Title IX Coordinator and Complainant
Discuss
Discuss availability of supportive measures
Consider
Consider wishes for supportive measures
Inform
Inform of availability of supportive measures with or without filing of formal complaint
Explain
Explain process for filing formal complaint
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Supportive measures
Available any time throughout process
Available with or without filing of a formal complaint
Non-punitive
Record any supportive measures taken or why supportive measures were not taken
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EXAMPLES of Supportive Measures
COUNSELING
1
EXTENSION OF DEADLINES
2
MODIFICATION OF CLASS SCHEDULES
3
MUTUAL RESTRICTIONS ON CONTACT
4
EXCUSED LEAVE
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More EXAMPLES of Supportive Measures
CHANGE SEAT ASSIGNMENTS
1
REASSIGN LOCKER
2
FLEX PERIOD
3
PARENT/TEACHER MEETINGS
4
CHECK-INS
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Response to Formal Complaint of Sexual Harassment

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FORMAL COMPLAINT

- Written & Signed by Complainant, Parent, Legal Guardian, or Title IX Coordinator
- No other third party can file formal complaint
- Description of allegation (date, location, witnesses)
- As practical, in Complainant's words

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Advisor

- Parties may have an advisor present during interviews
- Advisor receives notices and reports
- Advisor may be an attorney
- Advisor does not engage in argument/interrogation during interviews
- School district not required to provide advisor

Who should investigate

Determined by Title IX Coordinator

Investigator must be trained and unbiased/without conflict of interest to both complainant and respondent

Consider outside investigator if conflict of interest (e.g., if complaint against Superintendent)

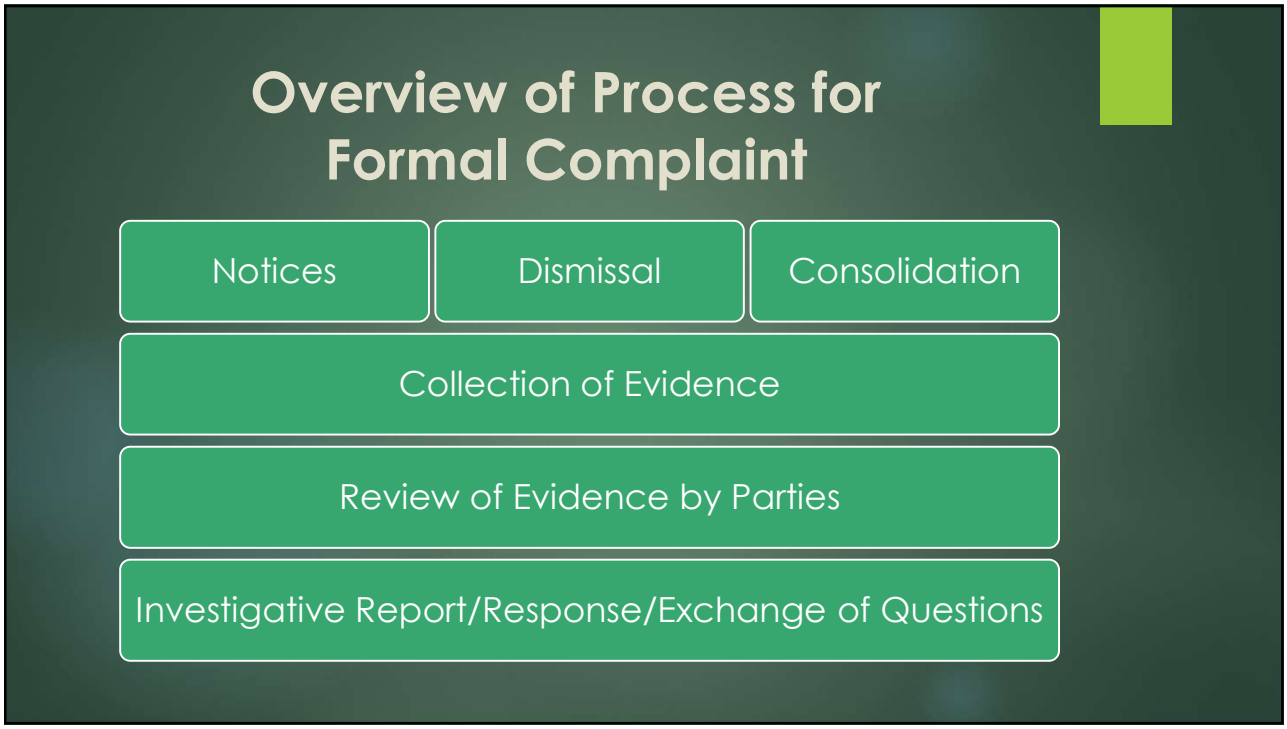
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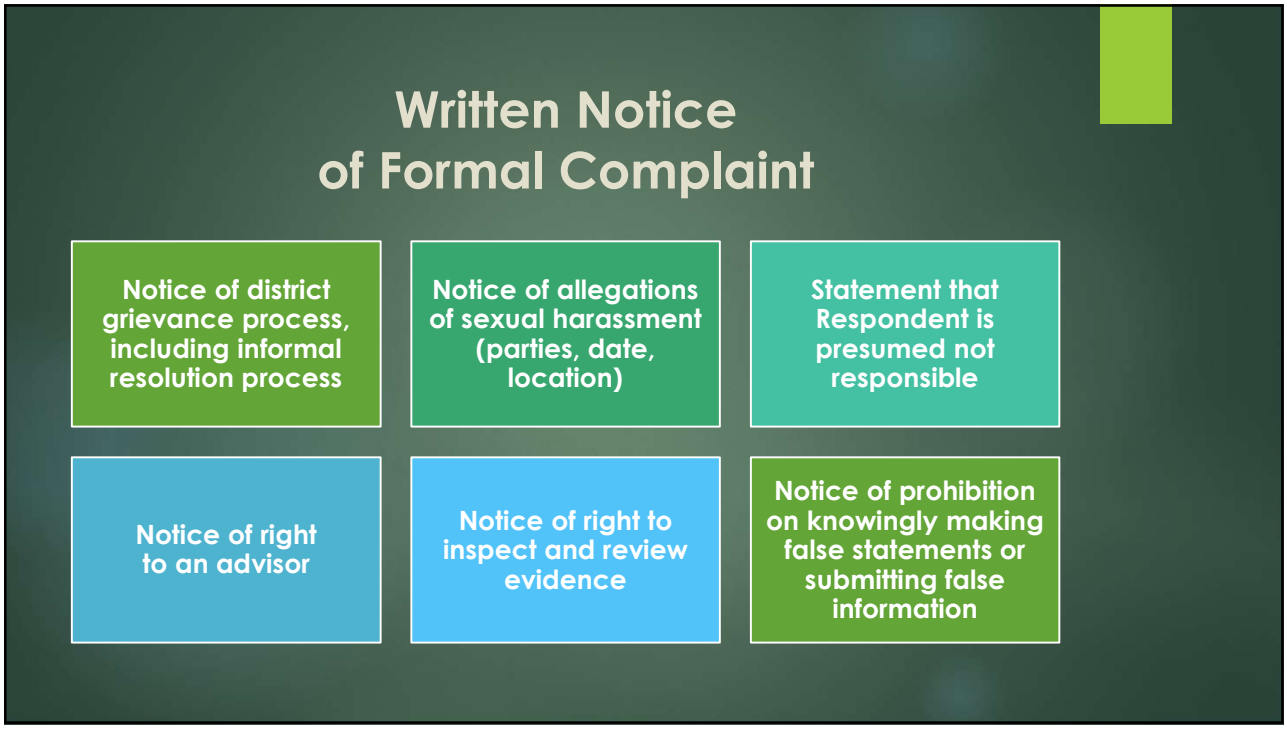
Investigation Process after a Formal Complaint is Filed

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Prompt & Serious

Investigate	Investigate efficiently and effectively
Take	Take allegations seriously
Do not refuse	Do not refuse investigation because of delayed timing





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Mandatory dismissal

- If conduct alleged would not constitute sexual harassment even if proved
- Did not occur in school district's education program or activity
- Did not occur against a person in the United States

Discretionary dismissal

- Complainant notifies Title IX Coordinator in writing that they would like to withdraw formal complaint
- Respondent is no longer enrolled or employed
- Specific circumstances prevent district from gathering evidence

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Collection of Evidence

Interview Guidelines



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Possible Evidence

- Interviews (complainant, respondent, witnesses)
- Personnel or student files
- Emails , social media, videos
- Law enforcement documentation



Relevance

- It has a tendency to make a fact more or less probable than it would be without evidence
- Fact is of consequence in determining action or conduct
- Relevant evidence goes towards proving whether fact of consequence to actual allegations are more or less likely to be true

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Prohibition

No questions on Complainant's prior sexual history or behavior unless:

- Offered to prove that someone other than Respondent committed the conduct
- If the evidence of specific incidents of prior sexual conduct between the Respondent and Complainant is offered to prove consent.

No seeking privilege information or records unless privilege is waived by party

Reminder

- Parties are not restricted in discussing allegations
- Parties have right to gather favorable evidence
- No party can intimidate, harass, retaliate
- Monitor situation during investigation

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Sharing of Evidence

- Before investigative report is complete, provide evidence to both complainant and respondent (and their advisors) for review
- Allow parties 10 days to submit written response
- Consider parties' response prior to completion of report; more investigation may be needed

Investigative Report

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Investigative Report

Create	School districts must create an investigative report that "fairly summarizes relevant evidence"
Send	Send to each party investigative report 10 days prior to a determination of responsibility
Allow	Allow parties to review and respond to investigative report
Exchange	Exchange of questions on behalf of decision-maker

Exchange of Questions

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Submission of Questions

- Decision Maker must afford each party opportunity to submit written, relevant questions that a party wants asked of any party or witness
- Must provide each party with answers
- Must allow for additional, limited follow-up questions from each party

Determination Regarding Responsibility



Written Decision

- Allegations that potentially constituted sexual harassment
- Findings of fact supporting determination
- Description of procedural steps taken since receipt of formal complaint (notifications to the parties, interviews, site visits, methods used to gather evidence)
- Conclusions regarding application of BOE's code of conduct to the facts

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Written Decision

- Determination of responsibility as to each allegation and rationale for result
- Any discipline sanction imposed
- Whether remedies will be provided to Complainant
- BOE's procedures and bases for appeal

Decision Maker on Appeal

Basis for Appeal

- ***Procedural Irregularity*** that affected outcome
- ***New Evidence*** not reasonably available at the time of the determination regarding responsibility or dismissal and that would have affected the outcome
- ***Conflict of Interest or Bias*** that affected outcome

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Determination on Appeal

Decision maker on appeal will issue written decision and reason for decision on appeal

Result on appeal will be given to both parties at same time



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