

The ABCs of Title IX Investigations

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Key Questions

- Why do Title IX investigations matter?
- What role do superintendents and boards play?
- How do investigations support student success and school safety?



Learning from Recent Events

The Office for Civil Rights announced it was targeting 20 districts, including Marion County School District, where yet-to-be-released data from the 2023-24 school year suggested the districts might not be properly addressing misconduct.

The investigations come amid a new federal initiative to “crack down on sexual predators in schools,” after the Trump administration observed a “troubling and recurring pattern” nationwide of credible reports of sexual abuse.

“When school administrators protect adults accused of assaulting or harassing children from meaningful consequences, enabling them to continue harming kids in another environment, it is referred to as “passing the trash,” the release stated.

A FAILURE TO ACT CAN BECOME A PATTERN. A PATTERN CAN BECOME A FEDERAL INVESTIGATION.

The Consequences Are Real

- **Financial Consequences**

Federal funds may be withheld, suspended, or terminated

- **Federal Enforcement**

OCR investigations can escalate to formal enforcement and referral to the Department of Justice

- **Loss of Federal Funding**

Continued noncompliance can put federal education funding at risk.

- **Legal & Reputational Risk**

Districts may face significant scrutiny, litigation, public criticism, and loss of community trust.

This is not theoretical.

In 2026, the U.S. Department of Education reported placing five Northern Virginia school districts on reimbursement status (Reimbursement Status = District Pays First) for more than \$50 million in federal funds and initiating a proceeding to terminate federal K-12 funding for the Maine Department of Education.

Who is your Districts....

- Title IX Coordinator
- Investigator
- Hearing officer(s)



WHY TITLE IX MATTERS

Title IX Is About More Than Compliance

It is about:

Student safety
Equal access to education
Preventing discrimination and harassment
Building trust within the school community

Common Types of Complaints:

Sexual harassment
Sexual assault
Dating violence
Stalking
Gender-based harassment
Retaliation
Student misconduct impacting educational access

WHY TITLE IX MATTERS

Title IX Is About More Than Compliance

Why it matters to school leaders:

Protects students' equal access to education.

Reduces district liability.

Builds trust with families.

Promotes a culture where students feel safe reporting misconduct.

Ensures compliance with federal civil rights obligations.

Helps prevent repeat misconduct through early intervention.

Student Safety → Fair Process → Community Trust

LEADERSHIP TAKEAWAYS

- Federal scrutiny often focuses on systems, not just individual incidents.
- Accurate documentation and reporting are critical.
- Every report deserves a prompt, impartial response.
- School boards should ensure policies and training are in place, not direct investigations.
- Superintendents should ensure qualified personnel have the resources and authority to investigate appropriately.

If OCR requested your district's Title IX records tomorrow, would your policies, training, and documentation demonstrate compliance?



“SCHOOLS THAT RECEIVE FEDERAL FUNDING HAVE A DUTY TO PROTECT STUDENTS, REPORT SEXUAL MISCONDUCT HONESTLY, AND FOLLOW THE LAW. THROUGH THIS INITIATIVE, WE ARE HOLDING SCHOOL DISTRICTS ACCOUNTABLE BECAUSE EVERY CHILD DESERVES TO LEARN IN A SAFE ENVIRONMENT FREE FROM SEXUAL ABUSE AND HARASSMENT.” SAID U.S. SECRETARY OF EDUCATION LINDA MCMAHON.

A – Allegations: Receiving and Responding to Reports

When a report comes in...

1. Is anyone in immediate danger?
2. Are supportive measures needed immediately?
3. Does this potentially fall under Title IX?
4. Are mandatory reporters involved?
5. Who needs to be notified?
6. What documentation should begin today?



A – Allegations: Receiving and Responding to Reports

Supportive Measures Examples include:

- Schedule changes
- No-contact directives
- Counseling services
- Academic accommodations
- Increased supervision



Students should be supported regardless of whether a formal complaint is filed.





Keeping It In-House Can Create Bigger Problems



- ***Lack of Independence***

School employees may have existing relationships with the parties, administrators, or witnesses, creating concerns about bias or conflicts of interest

- ***Inadequate Investigation***

Untrained investigators may overlook evidence, fail to interview key witnesses, or mishandle documentation. Title IX requires investigations to be adequate, reliable, and impartial.

- ***Procedural Mistakes***

Missing required steps, deadlines, notices, or evidence requirements can undermine the entire process.

- ***Institutional Pressure***

When the allegation involves an employee, administrator, coach, or other person connected to the district, there can be pressure to protect the institution rather than fully confront the allegations.

- ***The “Save Money” Approach Can Cost More***

A flawed investigation can lead to complaints to OCR, litigation, corrective action, reputational damage, and potentially financial consequences

B – Balance: Conducting Fair and Impartial Investigations

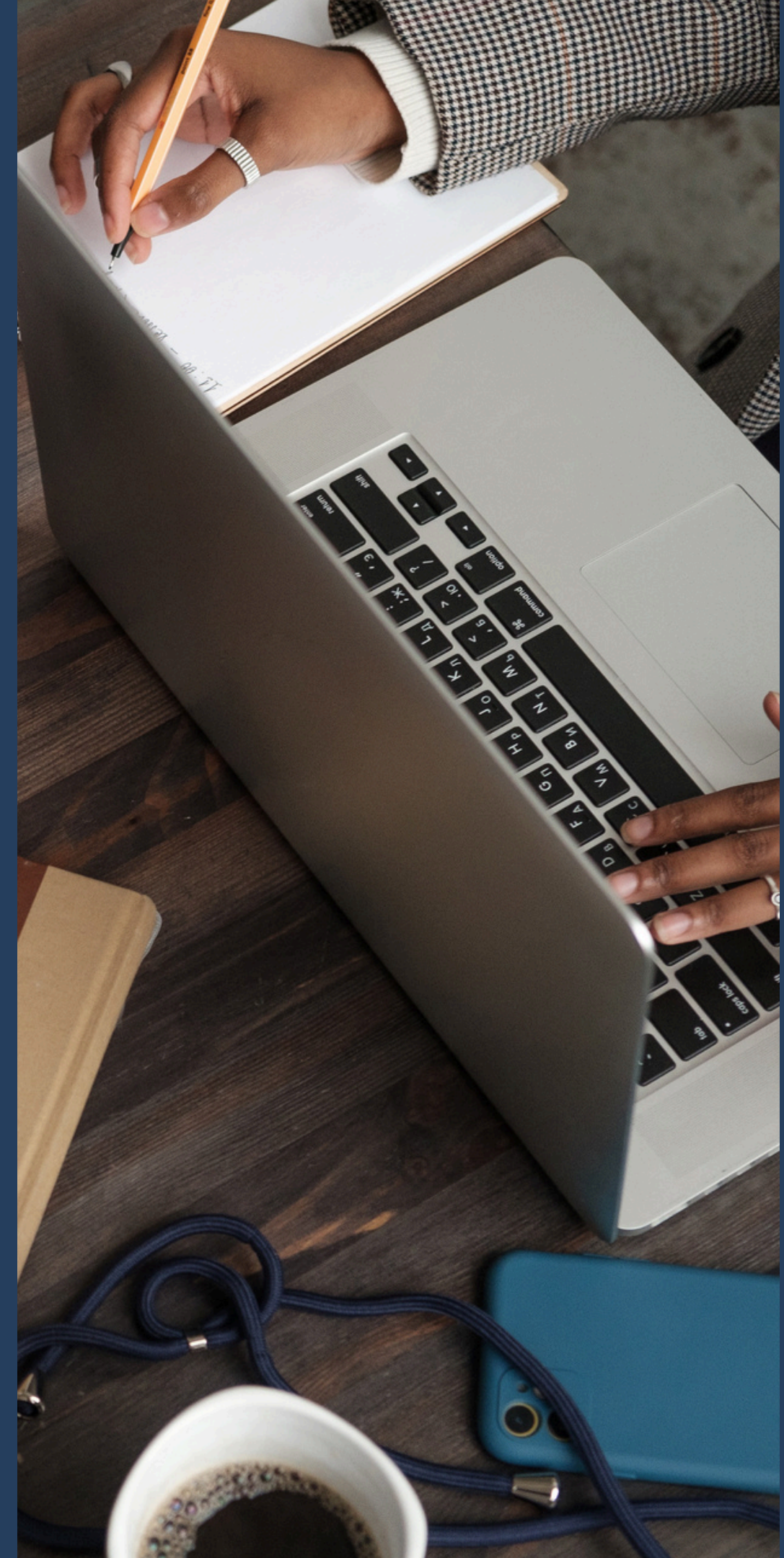
Board and Superintendent Roles

School Board

1. Adopt policies.
2. Ensure resources are available.
3. Avoid involvement in individual cases.

Superintendent

1. Promote compliance.
2. Support trained personnel.
3. Ensure investigations are handled appropriately.



B – Balance: Conducting Fair and Impartial Investigations

Step	Why It Matters
1. Report Received	Begins documentation immediately
2. Assessment	Determines applicable policies
3. Notice	Ensures due process
4. Interviews	Allows each party to be heard
5. Evidence Collection	Creates an objective record
6. Report	Organizes facts, not opinions
7. Determination	Applies policy to facts
8. Appeal	Provides procedural fairness

C – Conclusions: Making Decisions and Moving Forward

Standard of Proof

Preponderance of the Evidence = More likely than not

Possible Outcomes:

- **Policy violation found.**
 - Appropriate discipline
 - Continued supportive measures
 - Prevention of retaliation
- **No policy violation found.**
 - Doesn't necessarily mean nothing happened.
 - Evidence may simply not meet the standard of proof.
 - Continue monitoring and supporting students when appropriate.
- **Informal resolution.**
 - Voluntary
 - Not appropriate in every case
 - Focuses on restoring educational access
- **Appeals.**

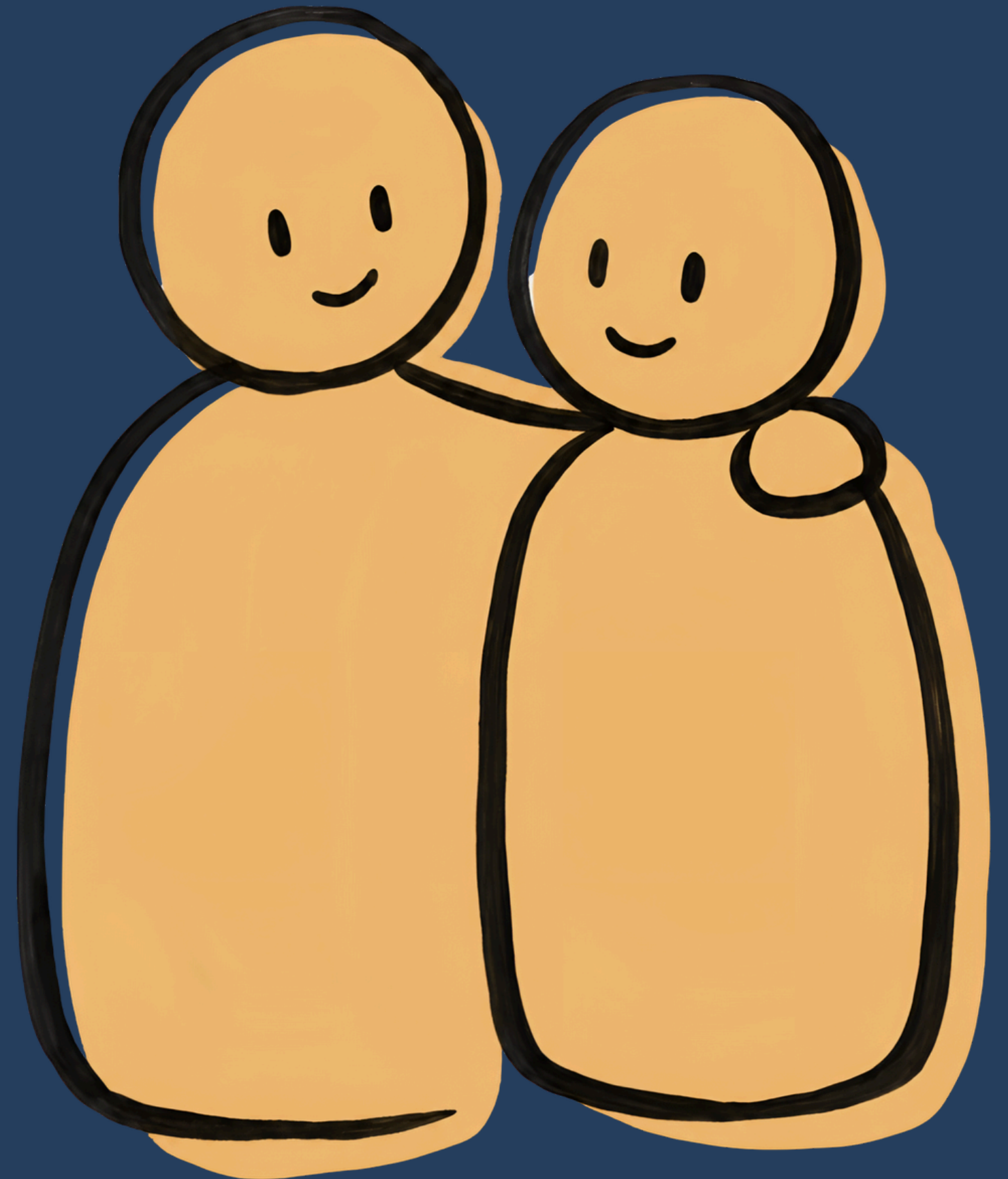


C – Conclusions: Making Decisions and Moving Forward

After the Decision

Schools should consider:

- Continued supportive measures.
- Restorative practices.
- Monitoring for retaliation.
- Academic support.
- Rebuilding trust.



D – DIFFICULT SITUATIONS & COMMUNICATION PRINCIPLES

Communication Principles

With Students

- Compassion
 - "Thank you for sharing this. We take every report seriously."
- Clarity
 - "Here's what happens next."
- Consistency
 - "We'll continue to update you within the limits of confidentiality."

With Parents

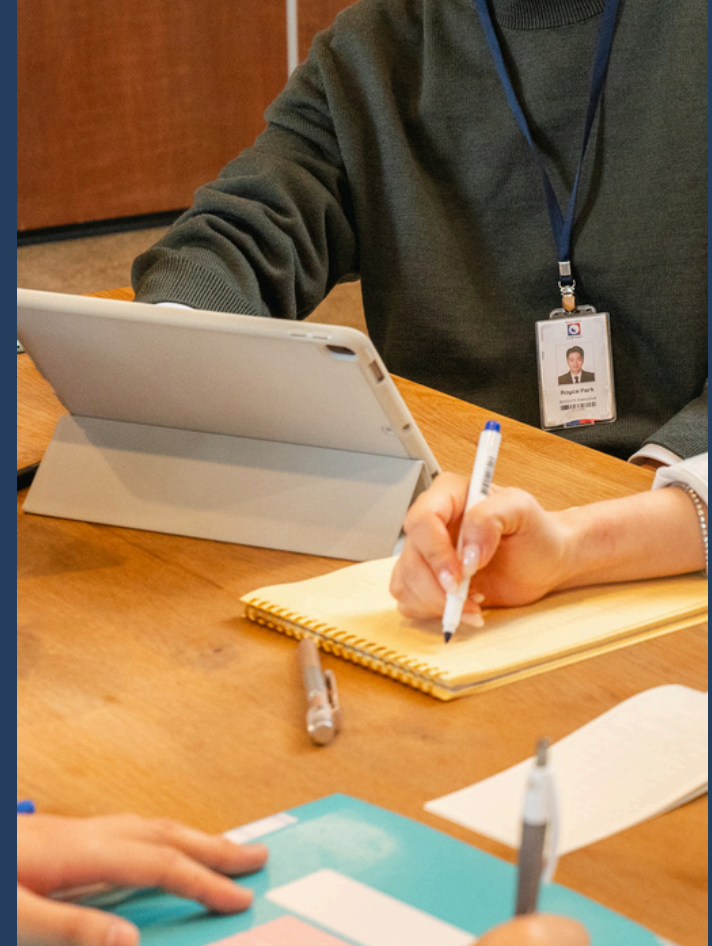
- Explain processes without violating confidentiality.
- Address concerns promptly.

With Staff

- Reinforce reporting obligations.
- Maintain professionalism.

With the Community

- Balance transparency and privacy.
- Avoid discussing specific cases publicly.



What Not To Say:

“We can’t do anything”

“There’s no evidence, so we’re done”

“It’s just kids being kids”

What To Say:

“We take these concerns seriously”

“We are committed to a fair process”

“Supportive measures are available”

Best Practices for Boards and Superintendents



Policies are regularly reviewed



Annual training is provided



Investigators are properly identified & trained



Documentation practices are strong



Resources exist for student support (supportive measures)



Leadership avoids interfering with investigations



The district emphasizes a culture of respect and accountability

Common Leadership Mistakes



Waiting too long to respond



Investigating before offering supportive measures



Promising confidentiality instead of explaining privacy limits



Allowing conflicts of interest



Board members discussing pending cases publicly



Inconsistent documentation



Failing to monitor for retaliation

THE ABCS OF TITLE IX INVESTIGATIONS

A- ALLEGATIONS

RESPOND PROMPTLY AND SUPPORT STUDENTS

B- BALANCE

ENSURE FAIRNESS, NEUTRALITY, AND DUE PROCESS

C- CONCLUSIONS

REACH DECISIONS THOUGHTFULLY AND PROMOTE CONTINUED STUDENT SUCCESS

A red apple sits on a stack of old astronomy books on a wooden desk in a library. The books have titles like 'Astronomie' and 'ASTRONOMIE' on their spines. A mesh pen holder with various pens and pencils is to the right. The background shows bookshelves filled with books.

THANK YOU!