

# Title IX FAQs

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## 1. Q: What are some common Title IX policy statement deficiencies?

A: Some issues with school Title IX policy statements include Issues identified by the Office of Civil Rights include:

- The policy did not indicate that it applied to third party (e.g. applicants for employment).
- The policy failed to indicate that inquiries could be directed to the Office of Civil Rights.
- The policy failed to adequately notify students and employees of the name or title of the Title IX coordinator.
- The policy notice of nondiscrimination was not adequately disseminated.
- The policy lacked clarity. ( It must be understandable by those to whom it protects)

## 2. Q: What information must be included in a school's notice of non-discrimination?

A: The notice of nondiscrimination must state that the school does not discriminate on the basis of sex in its education programs and activities, and that it is required by Title IX not to discriminate in such a manner. The notice must state that questions regarding Title IX may be referred to the school's Title IX coordinator or to OCR. The school must notify all of its students and employees of the name or title, office address, telephone number, and email address of the school's designated Title IX coordinator.

## 3. Q: What is a sample Notice?

A: The following sample notice of non-discrimination meets the minimum requirements of the regulations enforced by OCR.

*The (Name of Recipient) does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities and provides equal access educational programs and activities.*

*As required by Title IX, the (Name of Recipient) does not discriminate on the basis of gender, in its educational programs and activities. The following person has been designated to handle inquiries regarding the Title IX non-discrimination matters:*

- *Name and/or Title, Office Address, Email Address, Telephone No.*
- *Additionally, you may contact the Office of Civil Rights by calling 1-800-421-3481.*

## 4. Q: Who should NOT be a Title IX coordinator at my school?

A: In K<sup>12</sup> world, the example below Q. 2 of those who should not fulfill the role due to a potential conflict of interest would include Head of School or Academic Administrator/Principal.

**5. Q: Who could fulfill the role of Title IX coordinator at my school?**

A: Positions that COULD possibly be the Title IX coordinator include compliance coordinator, Title program manager, school-based HR specialist, guidance counselor, social worker. Consider having a generic email address for your Title IX coordinator.

*Suggested Practice:*

*When designating a Title IX coordinator, a recipient should be careful to avoid designating an employee whose other job responsibilities may create a conflict of interest. The Title IX coordinator's role should be independent to avoid any potential conflicts of interest and the Title IX coordinator should report directly to the recipient's senior leadership.*

- *For example, designating a disciplinary board member, general counsel, dean of students, superintendent, principal, or athletics director as the Title IX coordinator may pose a conflict of interest.*

**6. Q: Do I have to include a Title IX non-discrimination statement as well as directions to how to direct Title IX questions or concerns to the school's Title IX coordinator in my school newsletters as well as emails sent to the entire student body? What websites should include this statement?**

A: Yes, a Title IX non-discrimination statement should be included in school newsletters and school wide emails including those from K<sup>12</sup> when K<sup>12</sup> is communicating on behalf a school. Title IX non-discrimination statements should also be included on any website where the student and parent go to get information about the student's life at school. So for example, the statement should be on your school's K12.com, Strong Start, or school created websites.

*Suggested Practice:*

*A recipient has specific obligations to make the role of its Title IX coordinator visible to the school community. It must post a notice of non-discrimination stating that it does not discriminate on the basis of sex and that questions regarding Title IX may be referred to the recipient's Title IX coordinator or to OCR.*

- *The notice must be included in any bulletins, announcements, publications, catalogs, application forms, or recruitment materials distributed to the school community, including all applicants for admission and employment, students and parents or guardians of elementary and secondary school students, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the recipient.*
- *The notice should be prominently posted on the recipient's website, at various locations on campus, and in electronic and printed publications for general distribution.*

**7. Q: Does each school need to have two separate discrimination statements?**

A: It is best to keep the IDEA non-discrimination statement and Title IX non-discrimination statements separate since the Title IX non-discrimination statement requires the inclusion of the name of the individual who has been appointed to handle said complaints.

**8. Q: Do schools have to make a separate page? Would simply having the statement and contact information of the Title IX coordinator or the homepage be acceptable as long as the Parent Student Handbook is also included on the website that include the grievance procedures?**

A: Schools should have a separate page, as suggested by OCR AND a prominent link to the page on the homepage. Given the amount of information that should be on the page (name and contact information of its Title IX coordinator(s), relevant Title IX policies and grievance procedures, training information, and other resources related to Title IX compliance and gender equity.) One should not simply create a series of Title IX links that forces students and/or parents to search through several different pages to find answers to their questions. Everything should be on one Title IX page.

*Suggested Practice:*

*The Title IX coordinator's contact information must be widely distributed and should be easily found on the recipient's website and in various publications.*

- *OCR encourages recipients to create a page on the recipient's website that includes the name and contact information of its Title IX coordinator(s), relevant Title IX policies and grievance procedures, training materials, and other resources related to Title IX compliance and gender equity. A link to this page should be prominently displayed on the recipient's homepage.*

**9. Q: Does this mean I have to post the Title IX coordinator's contact information on my K<sup>12</sup> school Facebook pages?**

A: Yes, and any other social media platforms employed by the school, such as blogs.

*Suggested Practice:*

*Because various forms of social media are now a widespread means for students and other members of the school community to communicate, a recipient should also make the Title IX coordinator's contact information available on those social media venues supported or used by the recipient.*

**10. Q: Is there Title IX training available that will help provide my Title IX coordinator with the necessary education and resources to do the job?**

A: See the following:

- U.S. Department of Education, Title IX Policy <https://sites.ed.gov/titleix/policy/> OCR Trainings, Title IX regulation fact sheet, and OCR blog.
- **Association of Title IX Administrators (ATIXA)** <https://atixa.org/>  
Good organization, but expensive trainings and membership fees.
- **Northwest Association of Title IX Administrators (NWATIXA)**  
<http://www.nwatixa.org/>

A regional organization that has fewer resources, but is more cost effective. There may be other regional organizations as well.

- Each school must of course educate its Title IX coordinator on the school's policies and procedures on sex discrimination and all complaints raising Title IX issues throughout the institution.

Documentation of all Title IX training should be maintained in the school's SharePoint or data maintenance system and posted on the school's website(s). At minimum, the date, attendees and verification of content covered at the training should be maintained within the school's designated data maintenance system.

*Suggested Practice:*

*Recipients must ensure that their Title IX coordinators are appropriately trained and possess comprehensive knowledge in all areas over which they have responsibility in order to effectively carry out those responsibilities, including the recipients' policies and procedures on sex discrimination and all complaints raising Title IX issues throughout the institution.*

**11. Q: Does this mean that the Title IX coordinator has to provide all of the trainings to the school community (teachers, counselors, administrators, parents and students)?**

A: They should, but if necessary others can give the trainings such as the guidance counselor, social worker, or the teacher, but the Title IX coordinator is responsible for developing the training, making sure they are given and ensuring that anyone providing the training understands the training and will direct any questions or concerns raised during the training back to the Title IX coordinator.

The Title IX coordinator must also assure that the training provided is geared towards the audience. For example, training provided to grade schoolers must specifically geared to their level of comprehension.

*Suggested Practice:*

*The Title IX coordinator:*

- *should provide training and technical assistance on school policies related to sex discrimination and develop programs, such as assemblies or college trainings, on issues related to Title IX to assist the recipient in making sure that all members of the school community, including students and staff, are aware of their rights and obligations under Title IX.*

**12. Q: What are the Primary Changes in the 2020 Title IX Recognition of Sexual Harassment as Sex Discrimination, Per the U.S Department of Education's Fact Sheet: Final Title IX Regulation (2020):**

- Survivors of sexual misconduct deserve protection **that truly carries the force of law.**
- Under Secretary DeVos's significant new regulation, sexual harassment under Title IX now includes – for the first time – **dating violence, domestic violence, and stalking.**

**13. Q: How do the New Provisions Empower and Protect Survivors in New Ways, Per the U.S Department of Education’s Fact Sheet: Final Title IX Regulation (2020):**

- Survivors are now in the position of control to decide what happens after an incident of sexual harassment, including sexual assault, occurs.
- Schools must respect a survivor’s decision to file, or not to file, a formal complaint and must offer supportive measures either way.
- Schools must respond promptly in every instance by offering to provide supportive measures like class reassignments or class schedule adjustments
- Schools are forbidden from pressuring a survivor into filing or not filing a formal complaint or participating in a grievance process.
- To protect younger students, K-12 schools must respond promptly when *any* school employee has notice of sexual harassment, including sexual assault.
- The new regulation extends to all aspects of a school’s education program or activity and applies to any building owned or controlled by a student organization recognized by a college or university.
- If a survivor chooses to participate in a grievance process, the final rule protects survivors from inappropriately being asked about prior sexual history (also known as "rape shield" protections), and the survivor must not be required to divulge any medical, psychological, or similarly privileged records.
- A survivor never has to come face-to-face with the accused during a hearing, and an accused is never allowed to personally ask questions of a survivor.
- Survivors are protected against retaliation when they choose to report sexual misconduct or not, file a formal complaint or not, participate in a grievance process or not.
- Survivors are protected against bullying or harassment throughout the grievance process.

**14. Q: What Training Must Title IX Personnel Receive:**

A: Schools must ensure that Title IX personnel receive training as follows:

- On Title IX’s definition of “sexual harassment”
- On the scope of the school’s education program or activity
- On how to conduct an investigation and grievance process
- On how to serve impartially, including by avoiding prejudgment of the facts at issue
- On how to avoid conflicts of interest and bias
- Decision-makers must receive training on any technology to be used at a live hearing, and on issues of relevance of questions and evidence, including when questions and evidence about a complainant’s sexual predisposition or prior sexual behavior are not relevant
- Investigators must receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence

**15. Q: When Does the Title IX Coordinator Need to Respond to Informal or Formal Complaints:**

A: Section 106.8(a) expressly states that reports can be made at any time, including during non-business hours, by using the Title IX Coordinator's listed telephone number or e-mail address, "or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report."

**16. Q: Can a School Choose if They Post Title IX Training Materials?**

A: Per OCR Guidance: <https://www2.ed.gov/about/offices/list/ocr/blog/20200518.html>  
*Section 106.45(b)(10)(i)(D) does not permit a school to choose whether to post the training materials or offer a public inspection option. Rather, if a school has a website, the school must post the training materials on its website.*

*A school must post on its website: "All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process." Posting anything less than "all materials" on the website is insufficient. Accordingly, merely listing topics covered by the school's training of Title IX personnel, or merely summarizing such training materials is not the same as posting "all materials."*

**17. Q: What if the Title IX Training Materials are Copyrighted or Proprietary Business Information?**

A: Per OCR Guidance: <https://www2.ed.gov/about/offices/list/ocr/blog/20200518.html>  
*If a school's current training materials are copyrighted or otherwise protected as proprietary business information (for example, by an outside consultant), the school still must comply with the Title IX Rule. This may mean that the school has to secure permission from the copyright holder to publish the training materials on the school's website.  
Nothing in the Title IX Rule abrogates intellectual property rights. If a school is unable to secure permission from a third party to post copyrighted training materials, then the school must create or obtain training materials that can lawfully be posted on the school's website.*