

Sexual Harassment:

Title IX, Title IX Regulations, Connecticut Law and More

Maree Sneed
September and October 2026



AGENDA

1. How do regulations define sexual harassment?
2. When should districts respond to sexual harassment allegations?
3. How should districts respond to sexual harassment allegations?
4. How should schools conduct investigations?
5. What are record-keeping requirements?
6. What else should districts know about what 2020 regulations require?

2020 Title IX Regulations

Fist to Five

POLL: Fist to Five

On a scale of 0–5, how accurate is the following statement?

The Biden administration issued Title IX regulations in 2024 and it is those regulations that are now in effect.

0 – Completely inaccurate

1 – Pretty inaccurate

2 – Slightly inaccurate

3 – Not accurate, but not inaccurate

4 – For the most part accurate

5 – Completely accurate

POLL: Fist to Five

On a scale of 0–5, how accurate is the following statement from your perspective?

Connecticut law requires districts to report to the Connecticut Department of Education the name of their Title IX coordinators and their contact information.

0 – Completely inaccurate

1 – Pretty inaccurate

2 – Slightly inaccurate

3 – Not accurate, but not inaccurate

4 – For the most part accurate

5 – Completely accurate

POLL: Fist to Five

On a scale of 0–5, how accurate is the following statement from your perspective?

Sexual assault is a type of sexual harassment under Title IX.

0 – Completely inaccurate

1 – Pretty inaccurate

2 – Slightly inaccurate

3 – Not accurate, but not inaccurate

4 – For the most part accurate

5 – Completely accurate

POLL: Fist to Five

On a scale of 0–5, how accurate is the following statement from your perspective?

An investigator of a Title IX complaint must make the responsibility determination that there is a violation of Title IX.

0 – Completely inaccurate

1 – Pretty inaccurate

2 – Slightly inaccurate

3 – Not accurate, but not inaccurate

4 – For the most part accurate

5 – Completely accurate

Title IX – The Law

- **Title IX of the Education Amendments of 1972** (20 U.S.C. § 1681) –
No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance . . .
- Title IX prohibits sex discrimination in education and in employment.

Title IX – Regulations

- On January 9, 2025, federal district court vacated 2024 Biden-era Title IX regulations and reinstated 2020 Title IX regulations, which were promulgated during President Trump's first term.
- On January 20, 2025, President Trump issued an Executive Order (“EO”), “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government”.
 - EO ordered federal agencies to rescind all guidance inconsistent with EO and stated that federal government should only recognize sex assigned at birth and two sexes – male and female – (excluding nonbinary identities).
- On February 4, 2025, DOE issued Dear Colleague Letter (“DCL”) in compliance with January 20th Executive Order. The DCL confirmed that, effective February 4th, education institutions should ensure all policies and investigations are consistent with 2020 regulations.
- DOE no longer interprets Title IX prohibition of discrimination “on the basis of sex” as including discrimination on the basis of sex stereotypes, sexual orientation, gender identity (including transgender status) or sex characteristics.

What entities are covered by Title IX?

- Institutions receiving federal funding
- School districts, colleges/universities, charter and for-profit schools and athletic associations
 - Including organizations receiving “significant assistance” from these
- Educational programs offered by non-education institutions that receive federal funds, such as libraries, prisons, and museums



Who is protected by Title IX?

- Elementary through professional school
- Staff and students
- Men/boys and women/girls
- Individuals with and without disabilities
- Individuals of different races, ethnicities and national origin



What are some of the risks of violating Title IX?

- Private litigation
 - Students (and parents on behalf of their children) may sue districts. These lawsuits may seek money damages when in students or parents' opinion, districts violate Title IX by failing to respond appropriately or to address adequately sex discrimination.
 - Examples of recent settlements and verdicts:
 - **August 11, 2026:** \$595,000 settlement in New York teacher and coach sexual abuse case;
 - **July 9, 2026:** \$8 Million Visalia Unified School District sexual abuse settlement;
 - **June 9, 2026:** \$2.825 Million jury verdict against Pennsylvania school district in coach sexual abuse case and
 - **June 5, 2026:** Seven-figure settlement in New Orleans Jesuit High School child sexual abuse case.

What are some of the risks of violating Title IX?

- Complaints to Office for Civil Rights (“OCR”)
 - In June 2026, OCR and Department of Justice (“DOJ”) entered into an Interagency Agreement (“Agreement”), which transfers certain responsibilities of OCR to DOJ and requires OCR, in coordination with DOJ, to carry out a number of activities. For example, Agreement requires:
 - OCR to refer civil rights complaints to DOJ for evaluation, investigation and potential resolution;
 - OCR to exercise its statutory and regulatory responsibilities with DOJ, including resolving investigations and compliance reviews based on DOJ’s proposed findings and resolutions and making determinations on whether to refer findings for administrative enforcement within Department of Education (“ED”) or DOJ for judicial enforcement; and
 - OCR to facilitate mediation and negotiation of any settlement in matters referred to DOJ for investigation unless DOJ and OCR concur that DOJ should facilitate the mediation or negotiate the settlement.

More on OCR/DOJ Interagency Agreement

“U.S. Department of Education Announces Additional Partnerships to Strengthen Coordination for Individuals with Disabilities Programs, Bolster Civil Rights Enforcement”

JUNE 16, 2026

ED and DOJ: Civil Rights Partnership

- ED will partner with DOJ to provide more responsive and coordinated enforcement of our nation’s civil rights laws. The two agencies will combine their expertise and capacities to bolster evaluation, investigation, resolution of complaints, and, above all, enforce critical protections for all students. The enforcement of federal civil rights laws will continue without interruption, and ED will retain all statutory authorities and functions.
- “Every student has an unequivocal right to learn and participate in school activities free from discrimination,” **said Acting Attorney General Todd Blanche.** “The Department of Justice is proud to partner with the Department of Education to build a stronger, more coordinated civil rights enforcement system — one that makes clear that discrimination on the basis of race, sex, or ability will not be tolerated in our schools. Together, we are advancing a national commitment to ensuring every student is treated with dignity and has an equal opportunity to succeed both in the classroom and on the court or field.”

In the News: OCR/DOJ Interagency Agreement

“Education Department transfers key special ed, civil rights functions

- The departments of Health and Human Services and Justice will receive core special education and civil rights responsibilities under the agreements.

June 16, 2026

- The Education Department said that while the federal agency will retain management and leadership of OCR, it will refer civil rights complaints to the Justice Department for evaluation, investigation and potential resolution. The agency did not specify whether it plans to refer all or only certain types of complaints to the Justice Department, and said the departments are still ironing out shared responsibilities and workload.
- In some cases, OCR will also resolve investigations based on the Justice Department’s proposed findings and resolutions, said another senior department official on the Tuesday press call. OCR, however, will make final determinations on whether to pursue actions for administrative enforcement or to refer cases to the Justice Department for judicial enforcement, said that official.
- OCR will continue to facilitate mediation and negotiation, develop policy guidance and procedures, and provide technical assistance to states. It will also continue to administer its hallmark Civil Rights Data Collection. ”

TRUE/FALSE POLL



A federal court vacated the 2024 Title IX regulations and reinstated the 2020 Title IX regulations.

TRUE/FALSE POLL



OCR investigates
complaints of sexual
harassment.

TRUE/FALSE POLL



Under the Trump administration, there have been no changes to DOJ's and OCR's responsibilities in investigating allegations of sexual harassment.

2020 Title IX Regulations

How do the 2020 regulations define sexual harassment?

“Sexual harassment” is conduct on the basis of sex that is...

Category 1

Quid pro quo harassment by a school employee to a student – the employee conditions some type of aid, benefit, or service on the student’s participation in unwelcome sexual conduct

Category 2

Hostile environment is “[u]nwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient’s education program or activity”

Category 3

Other conduct:

- Sexual assault
- Dating violence
- Domestic violence
- Stalking

“Where conduct is sexual in nature, or where conduct references one sex or another, that suffices to constitute conduct ‘on the basis of sex.’”

85 Fed. Reg. at 30,146

2020 Title IX Regulations

OCR National Initiative: Assault/Harassment of Students by
School Employees



Dear Colleague Letter Re Assault/Harassment of Students by School Employees

”U.S. Department of Education Launches National K-12 Initiative to Protect Students from Adult Sexual Predators in Schools”

- July 10, 2026, OCR Press Release
- OCR issued a Dear Colleague Letter (“DCL”) in which it stated that it was starting “a national K-12 initiative to crack down on sexual predators in schools. The Trump Administration has observed a troubling and recurring pattern in schools across the nation of credible reports of sexual abuse and harassment by adults in positions of authority going uninvestigated or of suspected offenders being transferred to new schools or roles in the district. 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.’”
- In the DCL, OCR indicated that it was “opening 20 directed investigations into school districts whose 2023-24 Civil Rights Data Collection (CRDC) submissions contained responses that suggest that districts might not be addressing staff on student sexual misconduct appropriately. The investigations will determine if the districts have appropriate policies and procedures in place to ensure accurate data collection and reporting of these incidents occurs and if their handling of allegations of sexual harassment, including sexual assault by district employees, complies with federal law.”

Dear Colleague Letter Re Assault/Harassment of Students by School Employees (continued)

- In the DCL, OCR stated that districts are required to:
- **“Protect Students from Sexual Misconduct:** Schools must respond promptly and appropriately to allegations of sexual harassment and sexual assault, including sexual misconduct by teachers, administrators, staff, and other students, consistent with Title IX.
- **Prevent ‘Pass the Trash’ Practices:** ESEA requires states, school districts, and educational agencies to institute laws, regulations, and policies that prohibit assisting school employees, contractors, or agents in obtaining new employment if there is knowledge or probable cause to believe they engaged in sexual misconduct involving a student. States and school districts that fail to maintain adequate safeguards risk violating federal law.”

Dear Colleague Letter Re Assault/Harassment of Students by School Employees (continued)

- **“Accurately Collect and Report Data:** Schools must ensure information submitted through the Civil Rights Data Collection is complete and accurate. During the first Trump Administration, the CRDC was enhanced by the addition of school-level reporting on instances of sexual assault against students, making it the first universal data collection to systematically capture this information. Despite the Biden Administration’s attempt to remove these reporting requirements, districts remain responsible for accurately reporting incidents. Districts that inaccurately report—or report zero incidents of rape or sexual assault despite evidence suggesting otherwise—may face OCR enforcement.
- **Conduct Meaningful Investigations:** Schools must thoroughly investigate allegations of sexual misconduct and cannot rely solely on referrals to law enforcement to satisfy their obligations under Title IX. Nor may they suspend or terminate their investigation once law enforcement gets involved, unless so required by other pertinent federal law. Institutions must ensure their grievance procedures are timely, thorough, and genuinely responsive.”

Dear Colleague Letter Re Assault/Harassment of Students by School Employees (continued)

- DCL stressed that “state law, local district policy and collective bargaining agreement (“CBA”) can neither trump a federal funding recipient’s obligations under Title IX nor excuse a Title IX violation. For example, provisions in any CBA that prevent, delay or condition the investigation of such an incident or the removal of an employee pending a Title IX investigation can expose the institution to remedial actions authorized by Title IX, including termination of federal financial assistance.”

OCR Press Release Re LAUSD Teachers Assault/Harassment of Students by School Employees

- “The District’s policy was cemented in an agreement with the teachers’ union that appears to guarantee that teachers will be reassigned, not terminated or immediately removed from student-facing roles while officials investigate, when they are credibly accused of:
 - Sexual harassment of a student;
 - Behavior with a student that is motivated by sexual interest;
 - Maintaining a sexual or romantic relationship with a student or other minor;
 - Creating, selling, or using child pornography;
 - Unnecessary physical contact with a student; and,
 - Failure to report suspected child abuse.”

OCR Press Release Re LAUSD Teachers Accused of Sexual Misconduct with Students

“U.S. Department of Education Opens Title IX Investigation into Los Angeles Unified School District”

- MAY 5, 2026
- The Los Angeles Unified School District (the District) appears to be protecting sexual predators at the expense of its students. Today, in response, the U.S. Department of Education (the Department)’s Office for Civil Rights (OCR) opened a directed investigation into the District for policies that appear to automatically reassign teachers accused of sexual misconduct with students, including engaging in exploitative “romantic relationships,” to another school. OCR will determine whether the District’s handling of alleged sexual harassment, including sexual assault, by District teachers, administrators, and/or staff violated Title IX of the Education Amendments of 1972 (Title IX).

OCR Investigation of CT CTECS Re Allegations of Staff Sexual Misconduct Involving Students

“CT technical school system under federal investigation over reporting of staff sexual misconduct

By [Natasha Sokoloff](#), [Jesse Leavenworth](#), July 16, 2026

- The U.S. Department of Education has launched an investigation into the Connecticut Technical Education and Career System over whether the school system properly reported and responded to allegations of staff sexual misconduct involving students, according to a letter sent to the agency.
- The July 10 letter sent to CTECS Superintendent Michael Crocco cites the school system’s “inaccurate responses to the rape and/or sexual assault data elements involving allegations against school staff” in the Office for Civil Rights’ 2023-24 Civil Rights Data Collection, a biennial school survey that collects information on enrollment, staffing, discipline, harassment and more.”

Other Districts Being Investigated by OCR

- Fredonia-Moccasin Unified District, ARIZONA
- Wilsona, CALIFORNIA
- Tulare City, CALIFORNIA
- Connecticut Technical Education and Career System, CONNECTICUT
- DeKalb County, GEORGIA
- Richmond County, GEORGIA
- Savannah-Chatham County, GEORGIA
- Perry County, KENTUCKY
- Detroit Public Schools Community District, MICHIGAN
- Taylor School District, MICHIGAN
- Pontiac City School District, MICHIGAN
- Springfield R-XII, MISSOURI
- Manchester School District, NEW HAMPSHIRE
- Gloucester Township Public Schools, NEW JERSEY
- Cheltenham School District, PENNSYLVANIA
- Marion 10, SOUTH CAROLINA
- Marion County, TENNESSEE
- NORTH EAST ISD, TEXAS
- CAMPBELL CO PBLC SCHS, VIRGINIA
- Battle Ground School District, WASHINGTON

YES/NO POLL: Is this sexual harassment?

Hostile environment is not a type of sexual harassment.

**Putting the
regulations into
practice**

YES/NO POLL: Is this sexual harassment?

A male teacher provides one-on-one tutoring to Sarah in his office and sends her sexually explicit messages on Snapchat and texts late at night.

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regulations into
practice**

YES/NO POLL: Is this sexual harassment?

Susan, a middle school girl, responded to a request from John, a middle school boy who she thought was her boyfriend, to send him pictures of her breasts. She sent him the pictures. He and Mary, another girl from her school, then printed out the pictures and posted them all over school.

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practice**

YES/NO POLL: Is this sexual harassment?

Ms. Brown who is the drama teacher at a high school tells Sam that, if he wants the lead part in the fall play, he must come to her house after school for the next two weeks to learn and practice his lines for the play. Sam feels uncomfortable doing this because Ms. Brown has told him several times that he is “cute.”

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practice**

YES/NO POLL: Is this sexual harassment?

Karen, a sixth grade student, reports to Mr. Smith, her math teacher, that she found porn on her desk. She is one of three students who uses this desk throughout the day.

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practice**

2020 Title IX Regulations

When should districts respond to sexual harassment allegations?

“Actual knowledge”

A district must respond when it has “**actual knowledge**” of sexual harassment.

A district has actual notice when notice or allegations of sexual harassment are reported to any school employee; or any employee personally observes such behavior.

A district employee includes the Title IX Coordinator, administrators, teachers, teacher’s aides, bus drivers, cafeteria workers, counselors, school resource officers, maintenance staff workers, or any other employee.

“Actual knowledge” (continued)

Actual knowledge is met when any employee:

- Witnesses the conduct;
- Hears about conduct from alleged victim or anyone else (e.g., parent, friend, peer, anonymous reporter) and
- Receives written report of the conduct from the alleged victim or anyone else.

Any person may report to Title IX Coordinator in person or by email, phone or mail.

“Dangerous Words,”

- Just ignore it.
- He puts his arms around everyone.
- Why can't you learn to accept a compliment?
- You must have wanted it - otherwise you would have told him no.
- That's how they do things where he comes from.
- It's a joke. Lighten up.
- No one's filed a charge so our hands are tied.
- We've never had a complaint, so we don't have a problem.
- This kind of behavior is all a part of growing up.
- It's a matter of hormones, we can't control that.
- If we had to discipline every student who used bad language we'd never get anything else done.
- It's just a prank that got out of hand.
- Oh well, boys will be boys.

YES/NO POLL: Is this actual knowledge?

An assistant principal reports to the principal that he saw a male coach hitting the buttocks of a female volleyball player after the girls' team won a volleyball game.

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regulations into
practice**

YES/NO POLL: Is this actual knowledge?

Bill, a high school student, tells his bus driver that Carol keeps trying to kiss him and touch him inappropriately.

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regulations into
practice**

YES/NO POLL: Is this actual knowledge?

Based on a text message that parents see on their daughter's phone, the student's parents speculate that a teacher is having sexual relations with their child's friend.

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“Education program or activity”



- A district must respond when it has actual knowledge of sexual harassment that occurred within the district’s **“education program or activity.”**
- “Education program or activity” includes locations, events, or circumstances over which a district exercises substantial control over the alleged perpetrator and the context in which the sexual harassment occurred.
- Depending on the circumstances, may cover incidents that occur off school district property or online (e.g., field trip, school district’s digital platform).

YES/NO POLL: Education program or activity?

A teacher sees one of her students reading a text on her phone and thinks that the student becomes upset. The teacher asks the student what the problem is and the student says that a male in the school has been sending her texts in the evening when she is at home. After telling the teacher about the texts, the student runs out of the class.

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YES/NO POLL: Education program or activity?

A group of students from Valley High School are on a trip in the spring to Spain. The trip is being chaperoned by two Spanish teachers from Valley High and three parents of Valley High students. While on the trip, two students on the trip report to one of the parent chaperones that two students were having sex in one of the hotel rooms.

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2020 Title IX Regulations

How should schools respond to sexual harassment allegations?

Key Roles in Responding to Sexual Harassment Allegations

- Title IX Coordinator
- Investigator
- Decision-maker

District must ensure that Title IX Coordinator, Investigators and Decision-Makers have professional development regarding their Title IX obligations.

Who's who – Title IX Coordinator

- Regulations require that district have at least one district-level Title IX Coordinator. In Connecticut, it is preferred practice, but not required, that there be a Title IX Coordinator at each school.
- Title IX Coordinator's overall responsibility is to coordinate compliance requirements that include:
 - Posting name and contact information for District Title IX Coordinator;
 - Developing materials and ensuring that professional development occurs for staff involved in Title IX efforts;
 - Creating systems to centralize records and gather relevant data;
 - Meeting with alleged victim and parents/guardians once made aware of alleged sexual harassment (cannot be delegated to support staff);
 - Coordinating implementation of supportive measures; and
 - Signing formal complaint to initiate grievance process (cannot be delegated to support staff).

Who's who – Title IX Coordinator (continued)

- District may determine that certain Title IX Coordinator duties may be carried out at either district level or school level if there is a school-based Title IX Coordinator.
- If there is no school-based Title IX Coordinator, District-level Title IX Coordinator should carry out duties of school-based Title IX Coordinator.
- District-level Title IX Coordinator should, for example:
 - Develop materials and ensure that professional development occurs for staff involved in Title IX efforts and
 - Create systems to centralize records and gather relevant data.
- School-based Title IX Coordinator, if there is one, may, for example:
 - Meet with alleged victim and parents/guardians once made aware of alleged sexual harassment (cannot be delegated to support staff);
 - Coordinate implementation of supportive measures; and
 - Sign formal complaint to initiate grievance process (cannot be delegated to support staff).

Note: 2020 Regulations do not require that Title IX Coordinator be reported to US DOE, but Connecticut has a reporting requirement for Title IX Coordinator.

Connecticut Law Now Requires Title IX Compliance Report

- “For the school year commencing July 1, 2026, and each school year thereafter,” districts must submit **Title IX compliance report** to Connecticut Department of Education, “in such form and manner as prescribed by the department.” Report must include:
- **(1) name and contact information of individual, if any, designated by district to serve as Title IX coordinator for district and dates on which such individual has served as Title IX coordinator;**
- (2) training, if any, offered or provided by district personnel regarding laws and implementation of Title IX, including content and frequency of such training;
- (3) Title IX policy and any supplemental misconduct policy, if any, for district, including description of where such policies are available to students, parents and guardians and school personnel; and
- (4) guidelines or resources, if any, used or provided by district in implementation to any student, parent or guardian who makes complaint concerning violation of Title IX.

Who's who – Investigator

- Investigator responsibilities include:
 - Interviewing involved victim or victims and individual or individuals accused;
 - Interviewing witnesses;
 - Collecting documentary and other evidence and
 - Drafting an investigative report.
- Investigator may be district-level or school-based Title IX coordinator.
- Investigator may be an administrator at school.
- If investigator at school is typically an assistant principal and the decision-maker typically is principal, district should monitor how often, if at all, principal disregards investigator's recommendations.
- If investigator is from central office and decision-maker is building principal, investigator should not be in direct supervisory chain over principal.

Who's who – Decision-maker

- Decision-Maker provides opportunity for involved individuals and their parents/guardians to prepare written questions to be answered by the other side.
- Decision-maker reviews all materials and makes a written responsibility determination – an impartial determination as to whether the alleged conduct occurred – including sanctions.
- Decision-maker makes responsibility determination by applying standard of evidence selected by district: “preponderance of the evidence” or “clear and convincing.”
- Neither the district-level Title IX Coordinator, school-based Title IX Coordinator, nor Investigator may also be the Decision-maker. However, the Investigator may offer recommendations to the Decision-maker.
- The Decision-maker may be school-based or a central office administrator.

Title IX Coordinator, Investigator and Decision-Maker in Action

1. Title IX Coordinator meets with alleged victim or victim to discuss supportive measures and process for filing formal complaint.
2. Investigator leads the investigation after the formal complaint is in place and written notice is given to the involved individuals and their parents/guardians. Investigator gathers and reviews evidence, allows responses to the evidence, and prepares an investigative report; the involved individuals and their parents/guardians review and respond to the report.
3. Decision-Maker provides opportunity for involved individuals and their parents/guardians to prepare written questions to be answered by the other side. Decision-maker reviews all materials and makes a written responsibility determination – an impartial determination as to whether the alleged conduct occurred – including sanctions.
4. *Districts must provide professional development for Title IX Coordinators, Investigators and Decision-Makers to ensure compliance with 2020 Title IX regulations.*

The investigator also
may be the decision-
maker.

**Putting the
regulations into
practice**

The Title IX Coordinator is required to offer the alleged victim supportive measures.

Putting the regulations into practice

District must provide parents/guardians of complainant and respondent with opportunity to prepare written questions for the other party to answer.

**Putting the
regulations into
practice**

How should districts respond to sexual harassment allegations?

The basic command

- If district has actual knowledge of sexual harassment allegations, district must respond promptly and in a manner that is not deliberately indifferent (i.e., not “clearly unreasonable in light of the known circumstances”).
- District must offer “supportive measures” to the alleged victim (complainant) and follow a grievance process that meets certain minimum requirements before imposing discipline or other actions that are not supportive measures against an alleged perpetrator (respondent).
- District may not continue with the grievance process in the absence of a formal complaint.

How should districts respond to sexual harassment allegations?

First, ensure that procedures comply with 2020 regulations.

- Regulations require district to notify stakeholders and publish on its website and in its handbooks and catalogs:
 - Title IX Coordinator's contact information: names, office address, email address and, phone number.
 - General statement regarding nondiscrimination on the basis of sex.
- District must adopt and publish grievance procedures that provide for prompt and equitable resolution of student and employee complaints alleging sex discrimination and a grievance process specific to sexual harassment allegations that meets certain minimum requirements.
 - The grievance procedures and grievance process must describe how to report or file a complaint of alleged sex discrimination, how to report or file a formal complaint of alleged sexual harassment, and how schools will respond.

How should districts respond to sexual harassment allegations?

Overview of select general requirements for the grievance process.

- Provide for the “prompt and equitable” resolution of student and employee complaints.
- Treat complainants and respondents equitably.
- Require an objective evaluation of all relevant evidence.
- Require that Title IX Coordinator, Investigator, Decision-maker, or any other key player have no conflicts of interest or bias for or against complainants or respondents, and that all such individuals receive specified professional development.
- Include a presumption of innocence for respondents.

How should districts respond to sexual harassment allegations?

Overview of select general requirements for the grievance process.

- Designate reasonably prompt time-frames for resolution and the range of possible disciplinary actions.
- Use either the “preponderance of the evidence” or “clear and convincing” standard and apply it equally to employee and student complaints.
- Provide complainant and respondent (and their parents/guardians) an equal opportunity to review any evidence obtained that is directly related to the allegations raised in a formal complaint.
- Address certain other procedural steps enumerated at 34 C.F.R. § 106.45 of the new regulations, many of which we address below.

How should districts respond to sexual harassment allegations?

Revisiting the basic steps outlined in the regulations

1. District receives actual knowledge of conduct that may constitute sexual harassment.
2. Title IX Coordinator meets with alleged victim to discuss supportive measures and the process for filing a formal complaint.
3. Investigator leads the investigation after the formal complaint is in place and written notice is given to the involved individuals and their parents/guardians. Investigator gathers and reviews evidence, allows responses to the evidence, and prepares an investigative report; the involved individuals and their parents/guardians review and respond to the report.
4. Decision-maker reviews all materials and makes a written responsibility determination report – an impartial determination as to whether the alleged conduct occurred – including sanctions.

Connecticut Law Now Requires Title IX Compliance Report

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- (2) training, if any, offered or provided by district personnel regarding laws and implementation of Title IX, including content and frequency of such training:
- **(3) Title IX policy and any supplemental misconduct policy, if any, for district, including description of where such policies are available to students, parents and guardians and school personnel; and**
- **(4) guidelines or resources, if any, used or provided by district in implementation to any student, parent or guardian who makes complaint concerning violation of Title IX.**

Meeting to offer supportive measures

- Title IX responsibilities are triggered once District has actual notice of alleged sexual harassment. Title IX Coordinator must “promptly” contact the alleged victim and parents/guardians to discuss availability of and opportunity for supportive measures.
- The grievance policy must describe the range of available supportive measures. Examples include:
 - Counseling;
 - Extensions of deadlines or other course-related adjustments;
 - Changes to class schedules and
 - Increased monitoring/security of certain areas.
- District must inform complainant and parents/guardians that supportive measures are available with or without the filing of a formal complaint and explain process for filing formal complaint.

Formal complaint to initiate the rest of the grievance process

- No investigation of alleged sexual harassment may occur until after a formal complaint filed.
- Formal complaint must be filed by the alleged victim or parent/guardian. Complaint must describe sexual harassment allegations and request that District investigate.
 - Formal complaint may be filed at any time as long as the alleged victim is “participating in or attempting to participate in the education program or activity” of District at time of filing (e.g., current student or current employee).
 - District should create formal complaint form.
- Title IX Coordinator may initiate a formal complaint and investigation on his or her own if the decision is not clearly unreasonable in light of known circumstances (e.g., alleged respondent may pose an ongoing safety threat).

When must or may a school dismiss a formal complaint?

- A school must dismiss a formal complaint for purposes of Title IX sexual harassment under certain circumstances, including:
 - The alleged conduct, even if true, would not constitute sexual harassment.
 - The alleged conduct, even if true, did not occur in the school district's education program or activity.
 - The alleged conduct, even if true, did not occur against a person in the United States.
- A school has discretion to dismiss a formal complaint during the grievance process under certain circumstances, including:
 - The alleged perpetrator is no longer enrolled or no longer employed by the school district.
 - The alleged victim and his or her parents/guardians notify the Title IX Coordinator in writing that the formal complaint or any allegations therein are withdrawn.
 - Specific circumstances prevent the school district from gathering evidence sufficient to reach a determination regarding the formal complaint or allegations therein.

YES/NO POLL: Continue with grievance process?

A female 8th grader believes that she has experienced alleged sexual harassment. Alleged respondent is someone in her theater class, but she doesn't know exactly who it is. She wants to file a formal complaint.

**Putting the
regulations into
practice**

YES/NO POLL: Continue with grievance process?

A female student experiences alleged sexual harassment by a male teacher who is chair of the science department. He is known within the department for his sexually explicit jokes. The student does not want to file formal complaint.

**Putting the
regulations into
practice**

YES/NO POLL: Continue with grievance process?

An anonymous report names a male high school junior as sexually harassing several female sophomores. None of the alleged victims is identified.

**Putting the
regulations into
practice**

YES/NO POLL: Continue with grievance process?

A fifth-grade female student experiences alleged sexual harassment by a male teacher's aide. The alleged victim is embarrassed, and parents/guardians don't want that information to get out, so they decline to file a formal complaint.

**Putting the
regulations into
practice**

Grievance process after a formal complaint is filed

- What are basic parts of grievance process after formal complaint is filed?
 - Notice
 - Investigation
 - Written questions and answers
 - Responsibility determination
 - Appeal
- District must set reasonably prompt timeframes for carrying out the grievance process.

Notice

- Once a formal complaint is filed, district must provide notice to known involved individuals, including parents/guardians:
 - Written notice of sexual harassment allegations in sufficient detail by including identities of involved individuals (if known), conduct allegedly constituting sexual harassment, and date and location of incident (if known).
 - Copy of the grievance policy.
- Written notice also must:
 - Include statement that respondent is presumed not responsible for alleged conduct and that determination regarding responsibility is made at conclusion of grievance process.
 - Generally, no disciplinary action may be taken against a respondent until after grievance process is carried out. Grievance policy must describe range of possible sanctions or remedies.
 - Inform involved individuals that they may have an advisor of their choice and may inspect and review evidence.
 - Inform involved individuals of any code of conduct provision that prohibits knowingly making false statements or knowingly submitting false information during grievance process.

Investigation

General requirements to remember

- District has burden of proof and burden of gathering evidence sufficient to reach responsibility determination; these burdens do not belong to involved individuals.
- District must not restrict the ability of the involved individuals to discuss the allegations under investigation or gather and present relevant evidence.

Investigation

What must the Investigator do?

- Provide an equal opportunity for involved individuals to present witnesses (including fact and expert witnesses) and other inculpatory and exculpatory evidence. Privilege considerations apply.
- Provide an equal opportunity to the involved individuals and their parents/guardians to inspect and review evidence and respond prior to completing investigative report.
- Draft investigative report that fairly summarizes relevant evidence.
- Share with the involved individuals and their parents/guardians for review and response.

Responsibility determination

- District must use a Decision-maker who is not same person as Title IX Coordinator or Investigator.
- Decision-maker must apply the standard of evidence selected by the district – “preponderance of the evidence” or “clear and convincing standard” – to reach a determination as to whether alleged conduct occurred.
- Decision-maker must issue a written determination that:
 - Identifies the allegations:
 - Describes the procedural steps taken by District;
 - Provides responsibility determination, including findings of fact, disciplinary sanctions, applicability of code of conduct, and remedies.
 - Outlines appeal procedures.

Written questions and answers

- District must use written questions and answers as part of grievance process.
- Decision-maker must:
 - Allow involved individuals and their parents/guardians to submit written, relevant questions to ask other side (including witnesses).
 - Decision-maker must explain any decision to exclude a question as irrelevant.
 - Alleged victim's prior sexual behavior is not relevant unless offered to prove that someone other than the alleged respondent committed alleged conduct or to prove consent. Consent is not defined in regulations.
 - Provide each side with answers to their questions.
 - Allow for additional, limited follow-up questions.

Appeal

- Appeal of responsibility determination or dismissal of a formal complaint must be offered involved individual or his or her parents/guardians assert that:
 - A procedural irregularity affected the outcome:
 - New evidence may affect outcome and was not previously reasonably available and
 - Title IX Coordinator, Investigator or Decision-maker had a conflict of interest or bias that affected outcome.
- Decision-Maker on appeal may not be initial Decision-Maker, Investigator or Title IX Coordinator.

When must or may a school dismiss a formal complaint?

- A school must dismiss a formal complaint for purposes of Title IX sexual harassment under certain circumstances, including:
 - The alleged conduct, even if true, would not constitute sexual harassment.
 - The alleged conduct, even if true, did not occur in the school district's education program or activity.
 - The alleged conduct, even if true, did not occur against a person in the United States.
- A school has discretion to dismiss a formal complaint during the grievance process under certain circumstances, including:
 - The alleged perpetrator is no longer enrolled or no longer employed by the school district.
 - The alleged victim and his or her parents/guardians notify the Title IX Coordinator in writing that the formal complaint or any allegations therein are withdrawn.
 - Specific circumstances prevent the school district from gathering evidence sufficient to reach a determination regarding the formal complaint or allegations therein.

2020 Title IX Regulations

What professional development is required?

Professional Development Requirements

- District must provide professional development to individuals designated as a Title IX Coordinator, Investigator and Decision-Maker.
- District must make training materials publicly available on District website.
- As best practice, District should provide professional development to other employees who are not part of the core Title IX team.

Professional Development Requirements

- Required professional development topics for individuals designated as a Title IX Coordinator, Investigator and Decision-Maker include:
 - Definition of sexual harassment;
 - Scope of the District's education program or activity;
 - Requirements of grievance process;
 - Process for conducting investigation;
 - Safeguards to ensure avoiding prejudgment of the facts, conflicts of interest and bias and
 - Relevance determinations, both for questions and evidence, and for information to be included in investigative report.

Note: 2020 Regulations do not require that professional development be reported to US DOE, but Connecticut has a reporting requirement for professional development.

Connecticut Law Now Requires Title IX Compliance Report

- “For the school year commencing July 1, 2026, and each school year thereafter,” districts must submit Title IX compliance report to Connecticut Department of Education, “in such form and manner as prescribed by the department.” Report must include:
- (1) name and contact information of individual, if any, designated by district to serve as Title IX coordinator for district and dates on which such individual has served as Title IX coordinator;
- **(2) training, if any, offered or provided by district personnel regarding laws and implementation of Title IX, including content and frequency of such training:**
- (3) Title IX policy and any supplemental misconduct policy, if any, for district, including description of where such policies are available to students, parents and guardians and school personnel; and
- (4) guidelines or resources, if any, used or provided by district in implementation to any student, parent or guardian who makes complaint concerning violation of Title IX.

THINK ABOUT IT: Professional development, recordkeeping

At the district level, how will you:

- Create standardized approaches to professional development and recordkeeping practices?
- Prepare appropriate professional development materials for the Title IX team?
- Ensure that public-facing materials remain accurate and up to date?
- Facilitate effective communication between the school district and individual schools?

**Putting the
regulations into
practice**

2020 Title IX Regulations

How should schools conduct investigations?

Investigation: Step #1

Develop a plan for investigation. For example:

- Develop timeline for conducting investigation.
 - Make sure that timeline complies with any timeline required by district policy or procedures.
 - 2020 Regulations require that investigation be conducted promptly. Make a list of complainant(s), respondent(s) and potential witnesses that you plan to interview and determine order for interviews of complainant(s), respondent(s) and potential witnesses
- Determine who will do the interviews. Consider having two interviewers do the interview – one to ask questions and the other to take notes and provide supplemental questions.
- Think about taking notes. For example, write detailed responses to questions. Do not write conclusions based on answers to questions. Consider using laptop or tablet to take notes.
- Review applicable statutes, regulations, and district sexual harassment policies and procedures, which should incorporate federal Title IX requirements. Make sure to follow these policies and procedures during the investigation.
- Review complaint and potential evidence that is available prior to interviews.



Investigation: Step #1 (continued)

- Think about the questions to ask during interviews, such as:
 - Who was involved?
 - What did you see?
 - What did you hear?
 - What happened? What happened next?
 - Where did that incident occur?
 - When did the incident occur?
- Review student/staff files of individuals allegedly involved in incident(s).
- Remember that there is an obligation to conduct Title IX investigation even if there has been a referral to police investigation.



Investigation: Step #2

Interview complainant(s).

Ask complainant for narrative of what happened.

- Investigator should double-check to ensure that the complainant has provided all relevant information, including:
 - Who, what, when, where;
 - Students, teachers, or other staff involved;
 - Witnesses to incident; and
 - Details of alleged sexual harassment.
- Investigator should review the complainant's responses carefully before conducting any further interviews.



Investigation: Step #2 (continued)

Interview alleged complainant(s). (continued)

In addition to standard factual questions, the Investigator should consider asking the complainant(s) the following questions:

- How did you react to sexual harassment?
- How has alleged sexual harassment affected you and your experience at school?
- Are there any other students, teachers, or staff that might have relevant information? If so, please tell me the names of those individuals.
- Do you have any notes, emails, text messages, documentation, or other physical evidence related to incident? If so, please provide me the emails, texts, documentation or other physical evidence.
- How would you like to see this situation resolved?
- What, if any, additional information can you provide me about the incident?

Hold separate interviews with each alleged complainant(s).

Provide complainant(s) with appropriate translation services if complainant(s) is an English Learner.



Investigation: Step #3

Interview the alleged respondent(s).

- Investigator should inform alleged respondent(s) of the allegations.
- Investigator should ask alleged respondent(s) about basic facts surrounding the incident and give the alleged respondent(s) opportunity to explain reasons for actions.
- Ask respondent(s) what, if any, additional information can you provide me about the incident.

Hold separate interviews with each alleged respondent.

Provide respondent(s) with appropriate translation services if respondent(s) is an English Learner.



Investigation: Step #4

Interview witnesses.

- A full investigation includes interviews with potential witnesses, even if first few witnesses interviewed have provided identical information.
- Investigator should explain briefly the reasons for interview and ask whether the witness has any relevant information about alleged incident.
- Investigator should consider asking following questions:
 - Describe alleged respondent's general behavior toward alleged victim.
 - What, if anything, did alleged victim tell you about incident?
 - Do you know of anyone else who might have relevant information? If so, please provide their names.
 - Are you aware whether alleged respondent has ever engaged in similar conduct in past? If so, please provide me information about that conduct.
- Be sure that you have captured all potential witnesses by encouraging your interviewees to list any other students or school personnel who could possibly have information about incident and to provide any additional information about the incident.
 - Hold separate interviews with each witness.
 - Provide interviewees with appropriate translation services if the interviewee is an English Learner.



Investigation: Step #5

Review notes and evidence from interviews.

- Follow up to determine if there is additional evidence and review that evidence.
- Follow up on any factual inconsistencies from interviews. For example:
 - Review notes from interviews of complainant(s), respondent(s) and witnesses to determine whether follow up interviews are necessary.
 - Interview additional witnesses, if necessary.
 - If alleged respondent says something that directly contradicts what alleged victim reported to you, circle back with alleged complainant to clarify version of events.



Investigation: Step #6

Provide opportunity for written questions and answers.

- District must allow written questions and answers as part of grievance process.
- District
 - Allow involved individuals and their parents/guardians to submit written, relevant questions to ask other side (including witnesses).
 - Decision-maker must explain any decision to exclude a question as irrelevant.
 - Alleged victim's prior sexual behavior is not relevant unless offered to prove that someone other than the alleged respondent committed alleged conduct or to prove consent. Consent is not defined in regulations.
 - Provide each side with answers to their questions.
 - Allow for additional, limited follow-up questions.



Investigation: Step #7

Draft Investigation report.

- Investigator drafts investigation report. Report should:
 - Discuss the allegations;
 - Describe the process that was followed in investigation;
 - Provide the names of individuals interviewed;
 - Include a list of evidence reviewed;
 - Discuss findings of facts based on interviews and evidence reviewed;
 - Make recommendations and
 - Attach any relevant documentary evidence.



Investigation: Step #8

Allow complainant(s) and respondent(s) to review investigation report and evidence obtained during investigation.

- Any evidence obtained as part of investigation that is directly related to allegations raised in formal complaint must be made available to each party in electronic or hard copy form.
- Investigation must be sent to parties in electronic or hard copy form for review and written response.
- Parties must have at least 10 days to respond before continuing on with grievance process.
- District must consider responses prior to completion of responsibility determination report.



Investigation: Step #9

Draft responsibility determination report.

- Decision-maker must draft responsibility determination report. Decision-maker cannot be the Investigator.
- Decision-maker should review investigation report.
- Decision-maker must apply the standard of evidence selected by the district – “preponderance of the evidence” or “clear and convincing standard” – to reach a determination as to whether alleged conduct occurred.
- Decision-maker’s responsibility determination report must:
 - Identify the allegations:
 - Describe the procedural steps taken by District;
 - Provide responsibility determination, including findings of fact, disciplinary sanctions, applicability of code of conduct, and remedies.
 - Outline appeal procedures.



Checklist for Possible Remedies and Sanctions

- Incident-specific response:
 - Victim(s) and parents
 - Respondent(s) and parents
- School-wide response:
 - Students
 - Staff
 - Parents



Steps to be taken will depend on the ages/status of the victim(s) and respondent(s), and context of sexual harassment.

2020 Regulations: Appeal Requirements Reminder

- Appeal of responsibility determination or dismissal of a formal complaint must be offered involved individual or his or her parents/guardians assert that:
 - A procedural irregularity affected the outcome;
 - New evidence may affect outcome and was not previously reasonably available and
 - Title IX Coordinator, Investigator or Decision-maker had a conflict of interest or bias that affected outcome.
- Decision-Maker on appeal may not be initial Decision-Maker, Investigator or Title IX Coordinator.

Investigation: Step #10

Share determination responsibility report with complainant(s) and respondent(s).

- Report must be sent to parties in electronic or hard copy form for review and written response. Parties must have at least 10 days to respond before continuing on with grievance process.



TRUE/FALSE POLL



Only the alleged complainant can file a formal complaint of sexual harassment.

TRUE/FALSE POLL



A district is not required to offer complainant supportive measures if a formal complaint is not filed.

TRUE/FALSE POLL



The investigator may write the responsibility determination report.

TRUE/FALSE POLL



A district can decide whether it wants to offer an appeal process.

2020 Title IX Regulations

What are the record-keeping requirements?

Recordkeeping Requirements

District must maintain certain records for a seven-year period. Examples of required recordkeeping include:

- Investigation reports, appeals, and any informal resolution records;
- Records of any actions – including any supportive measures – taken in response to formal complaint of sexual harassment;
 - This should include documentation regarding why District’s response was not deliberately indifferent or “clearly unreasonable in light of the known facts.”
- Records of professional development training materials.

2020 Title IX Regulations

What else do districts need to know about the 2020 Regulations?

What else should Districts know?

Emergency removal and administrative leave

Generally, District may not sanction alleged respondent until after grievance process is completed. Regulations, however, provide exceptions for emergency removal and administrative leave under certain circumstances and in compliance with disability laws.

- Emergency removal may occur if District has (1) undertaken individualized safety and risk analysis; (2) determined that immediate threat to physical health or safety of a student or other individual arising from allegations justifies removal; and (3) provided alleged respondent with notice and opportunity to challenge decision immediately following removal.
- District may place employee on administrative leave for duration of grievance process without having to follow emergency removal criteria outlined above.

What else should Districts know?

Informal resolution process

Though not required, a District may offer informal resolution process to involved individuals and their parents/guardians after a formal complaint has been filed.

- Informal resolution cannot be offered if the alleged respondent is employee.
- District must develop and share procedures for informal resolution.
- District must obtain voluntary, written consent from involved individuals and their parents/guardians to participate in informal resolution after sharing:
 - Allegations;
 - Requirements of the informal resolution process and
 - Any consequences resulting from participation in informal resolution process (e.g., records that will be maintained or could be shared).
- Any individual may withdraw from informal resolution process and resume grievance process with respect to formal complaint.

What else should Districts know?

Other aspects of regulations

- Regulations contain provisions prohibiting retaliation.
- District may consolidate formal complaints where sexual harassment allegations arise out of same facts and circumstances.
- Hearings are discretionary. A district “retain[s] discretion to decide how to conduct hearings if [it] selects that option” as long as the hearing rules apply equally to both sides.

What else should Districts know?

Relation to other laws

- District may not restrict rights protected under U.S. Constitution, including First, Fifth, and Fourteenth Amendments.
- Regulations set minimum requirements for Title IX compliance. State and local law may prescribe additional responsibilities related to a district's response to sexual harassment allegations. In cases of conflict, however, 2020 regulations preempt state and local law.
- When employees are involved in alleged sexual harassment, District may need to consider its obligations under both Title IX and Title VII.



2020 Title IX Regulations

Examples of District actions to ensure compliance



Review policies to ensure compliance with 2020 regulations



Review codes of conduct and handbooks to ensure compliance with 2020 regulations



Conduct professional development for Title IX team and staff at central office and local schools



Educate and train students and parents/guardians.



Provide via the District website information such as Title IX Coordinator contact information, grievance process, and professional development materials.

2020 Title IX Regulations

Fist to Five

POLL: Fist to Five

On a scale of 0–5, how accurate is the following statement?

The Biden administration issued Title IX regulations in 2024 and it is those regulations that are now in effect.

0 – Completely inaccurate

1 – Pretty inaccurate

2 – Slightly inaccurate

3 – Not accurate, but not inaccurate

4 – For the most part accurate

5 – Completely accurate

POLL: Fist to Five

On a scale of 0–5, how accurate is the following statement from your perspective?

Connecticut law requires districts to report to the Connecticut Department of Education the name of their Title IX coordinators and their contact information.

0 – Completely inaccurate

1 – Pretty inaccurate

2 – Slightly inaccurate

3 – Not accurate, but not inaccurate

4 – For the most part accurate

5 – Completely accurate

POLL: Fist to Five

On a scale of 0–5, how accurate is the following statement from your perspective?

Sexual assault is a type of sexual harassment under Title IX.

0 – Completely inaccurate

1 – Pretty inaccurate

2 – Slightly inaccurate

3 – Not accurate, but not inaccurate

4 – For the most part accurate

5 – Completely accurate

POLL: Fist to Five

On a scale of 0–5, how accurate is the following statement from your perspective?

An investigator of a Title IX complaint must make the responsibility determination that there is a violation of Title IX.

0 – Completely inaccurate

1 – Pretty inaccurate

2 – Slightly inaccurate

3 – Not accurate, but not inaccurate

4 – For the most part accurate

5 – Completely accurate

Wrap up and Questions

Questions?

