



**2020 Title IX Regulations
K-12 Initial Compliance Training
FAQS from Presentations in August 2020**

Q: Is sexual harassment under the 2020 Title IX Regulations different from sexual harassment under California law?

A: Yes. California law defines sexual harassment more broadly than the new 2020 Title IX Regulations.

Q: Who can be subjected to Title IX sexual harassment?

A: Any individual participating in the institution's education program or activity, including employees, volunteers, and interns, can be subjected to Title IX sexual harassment. Additionally, any individual can be the respondent in a Title IX complaint, including interns and walk-on coaches, unless the complaint is alleging quid pro quo sexual harassment. In that case, only a district employee can be the respondent.

Q: Who has a duty to report alleged incidents of sexual harassment?

A: For K-12 institutions, all employees with actual knowledge of alleged Title IX sexual harassment have a duty to report the alleged sexual harassment to the Title IX Coordinator.

Q: Do school districts need to provide additional training under the 2020 Title IX Regulations if they already provide sexual harassment training under California Government Code section 12950.1?

A: Yes, the 2020 Title IX Regulations require that Title IX Coordinators, investigators, decisionmakers (including appeal decisionmakers), and informal resolution facilitators receive specific training on specific topics including the updated definition of sexual harassment, the scope of the institution's education program or activity, how to conduct an investigation, the grievance process, issues of relevance, and how to serve impartially.

Q: Who is part of the Title IX team?

A: The Title IX team for each institution is composed of the Title IX Coordinator(s), investigator(s), decisionmaker(s), appeal decisionmaker, and informal resolution facilitator(s).

Q: Can school districts have multiple Title IX coordinators?

A: Yes, schools districts may designate more than one individual to serve as the Title IX Coordinator. For example, schools districts can designate one Title IX coordinator of each sex. However, school districts operating with multiple Title IX Coordinators may want to designate one individual as the lead Title IX Coordinator to oversee the grievance procedure and ensure consistent enforcement, and the others as deputy or assistant Title IX Coordinator(s).

Q: Who can serve as designees of the Title IX Coordinator?

A: Any employee can serve as a designee of the Title IX Coordinator, as long as they received the required training. Generally, these individuals will be administrators, site administrators, and other Title IX team members.



Q: Can the Title IX team members serve in multiple roles?

A: Yes, Title IX team members can serve in different roles for different complaints. In fact, we recommend that Title IX team members be trained in as many roles as possible. In the event a team member has a conflict of interest or bias towards or against a party, other Title IX team members can step into their role. However, a Title IX team member cannot serve in multiple roles on the same complaint. For example, the complaint decisionmaker cannot also serve as the Title IX Coordinator, investigator, or appeal decisionmaker on the same complaint.

Q: How can districts with a small number of administrators put together a Title IX team?

A: Every district must have a Title IX Coordinator. Districts with a limited number of administrators can partner with their County Office of Education and/or neighboring districts to build a network of potential Title IX team members. Administrators may serve in the same or a different Title IX role across multiple districts, provided they receive the required training. Administrators that are interested in forming a network should reach out to their counterparts at other districts or the Title IX Coordinator at their County Office of Education.

Q: Do districts need to update their board policies and administrative regulations?

A: Yes, districts will need a specific administrative regulation for the Title IX sexual harassment complaint process and to amend existing Board Policies ("BP") and Administrative Regulations ("AR") to distinguish between the Title IX sexual harassment complaint process and the complaint procedure for sexual harassment under other laws.

Q: Who can file a complaint under the 2020 Title IX Regulations?

A: Only the victim of alleged sexual harassment, the victim's parent, or the Title IX Coordinator may file a complaint under the 2020 Title IX Regulations.

Q: Do districts need to respond to reports of Title IX sexual harassment made over Winter, Spring, or Summer break?

A: Title IX requires districts to respond "promptly in a manner that is not deliberately indifferent." Each district's AR on the Title IX sexual harassment complaint process should establish the time frame for responding to complaints. How the district will address complaints received while the central office is closed and/or during school recess periods, can be addressed in the district's AR. Whether a district responds reasonably promptly is evaluated in the context of the district's operation of an education program or activity.

Q: What is the standard of evidence used to determine whether a respondent is responsible for the alleged Title IX sexual harassment?

A: The 2020 Title IX Regulations allow institutions to select either the preponderance of the evidence standard or clear and convincing evidence standard as the evidentiary standard that will apply to all Title IX sexual harassment complaints. The standard selected by the institution must be stated in the institutions grievance process for Title IX sexual harassment complaints and applied to all such complaints.