



Online Course

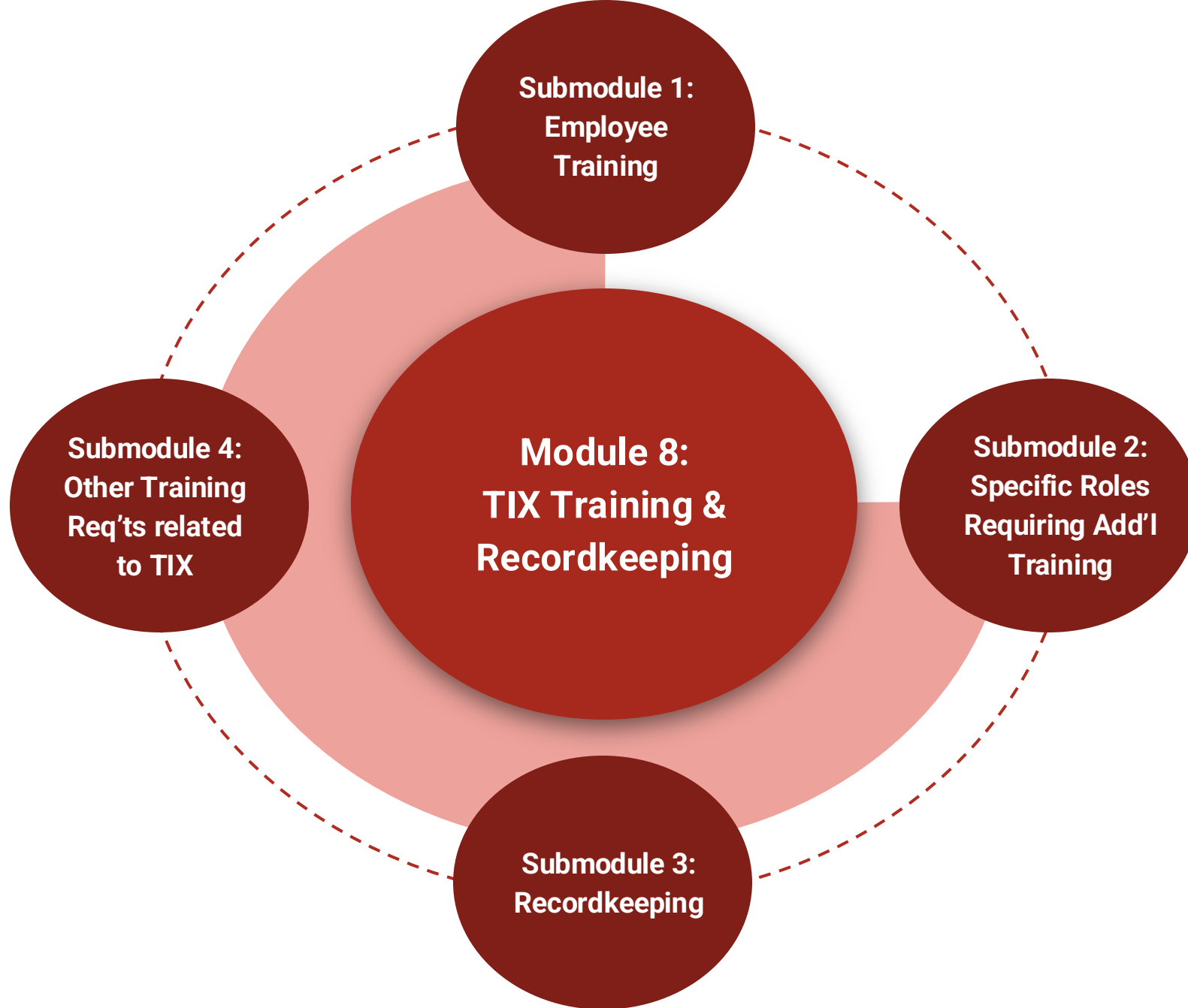
Title IX Coordinator Training

Module 8: Title IX Training & Recordkeeping

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Submodule 1

What training is required for employees under Title IX?

Employee Reporting Obligations (under 2024 Final Rule)

Notify Title IX Coordinator

- Any employee with authority to institute corrective measure on behalf of recipient
- Any employee with responsibility for administrative leadership, teaching, or advising

Notify Title IX Coordinator or Provide Reporting Information

- All other employees who are not confidential employees

*Do not apply to an employee/student who has personally been subject to possible sexual discrimination.

Employee Reporting Obligations: Pregnancy or Related Conditions

§ 106.40

Notice requirement re: pregnancy or related conditions - when an employee learns of a student's pregnancy or related condition, the employee must provide the TIXC's contact info and inform them that the TIXC can coordinate specific actions to prevent sex discrimination and ensure student's equal access

Employee Training

Training Required for “All Employees”

2020 TIX REGULATIONS



2024 TIX REGULATIONS

- School's obligation to address sex discrimination in education program or activity
- The scope of conduct that constitutes sex discrimination, including sex-based harassment
- Notification requirements re: student pregnancy
- Notification requirements re: sex discrimination

“All Employees” Training Requirements

- School's obligation to address sex discrimination in education program or activity
- The scope of conduct that constitutes sex discrimination, including sex-based harassment
- Notification requirements re: student pregnancy
- Notification requirements re: sex discrimination

§ 106.8(d)(1)

Frequency of Training

- "Promptly upon hiring" AND
- "Change in position that alters duties under Title IX" AND
- "Annually thereafter"



Logistical Tips & Considerations

- Are there times of the year when all employees are in one place? (or all staff? or all faculty?)
- How will you know when a person is hired or changes roles?
- How are you tracking?
- Should all employees be trained on documenting oral complaints?





Submodule 2

What specific roles require additional training?

Specific Roles

- Investigators
- Decisionmakers
- “Other persons who are responsible for implementing the recipient’s grievance procedures...”
- “Other persons who... have the authority to modify or terminate supportive measures”
- Facilitators of informal resolution process
- Title IX coordinators and designees § 106.8(d)(2)- (4)

Specific Roles

- **Investigators**
- **Decisionmakers**
- **“Other persons who are responsible for implementing the recipient’s grievance procedures...”**
- **“Other persons who... have the authority to modify or terminate supportive measures”**
- **Facilitators of informal resolution process**
- **Title IX coordinators and designees** § 106.8(d)(2)

Training Topics - §106.8(d)(2)

- All of the “all employees” topics
- Obligations under §106.44 (notice and response requirements; supportive measures; informal resolution)
- Grievance procedures under §106.45 and §106.46 (if applicable)
- How to serve impartially, including by avoiding prejudgment of the facts at issue, COI, and bias
- meaning and application of term “relevant” and impermissible evidence

Specific Roles

- Investigators
- Decisionmakers
- “Other persons who are responsible for implementing the recipient’s grievance procedures...”
- “Other persons who... have the authority to modify or terminate supportive measures”
- **Facilitators of informal resolution process**
- Title IX coordinators and designees § 106.8(d)(3)

Training Topics - §106.8(d)(3)

- All of the “all employees” topics
- Rules and practices of the school’s informal resolution process
- How to serve impartially, including by avoiding conflicts of interest and bias

Specific Roles

- Investigators
- Decisionmakers
- “Other persons who are responsible for implementing the recipient’s grievance procedures...”
- “Other persons who... have the authority to modify or terminate supportive measures”
- Facilitators of informal resolution process
- **Title IX coordinators and designees** § 106.8(d)(4)

Training Topics - §106.8(d)(4)

- All of the “all employees” topics
- All of the investigators/decisionmakers/others responsible for grievance procedures and supportive measures topics
- All of the informal resolution facilitators topics
- TIXC responsibilities
- Responses to students experiencing pregnancy or related conditions
- TIXC response obligations
- Supportive measures implementation process
- Recordkeeping system
- “Any other training necessary to coordinate the recipient’s compliance with Title IX”



Submodule 3

What do I need to know about recordkeeping?

General Recordkeeping Requirement

- Records must be kept for a period of at least seven years.
- Considerations:
 - Paper or electronic files?
 - Succession planning?
 - Case management system?



What records do you need to keep?

For each COMPLAINT of sex discrimination:

2024 TITLE IX FINAL RULE

- records documenting the informal resolution process or
- records documenting the grievance procedures.
- records documenting the resulting outcome.

2020 TITLE IX REGULATIONS

- records of investigations, incl. determinations, any audio/AV recordings or transcript, sanctions, and remedies
- Any appeal and its result
- Any informal resolution and its result

What records do you need to keep?

For each NOTIFICATION the TIXC receives of conduct that could reasonably constitute sex discrimination:

2024 TITLE IX FINAL RULE

- records documenting the actions taken to meet the school's response obligations.

2020 TITLE IX REGULATIONS

- records of any actions taken in response to a report, incl. supportive measures.
- document basis for conclusion that response was not deliberately indifferent.
- if SMs not provided, document why response was not clearly unreasonable in light of known circumstances.

What records do you need to keep?

Training Materials

2024 TITLE IX FINAL RULE

- All materials used to provide training to “all employees” and the specific roles.
- Training materials must be available upon request for inspection by members of the public.

2020 TITLE IX REGULATIONS

- All materials used to train TIXCs, investigators, decisionmakers, and IR facilitators.
- Training materials must be publicly available on its website.

What records do you NOT need to keep?

- Notable change between the NPRM and the 2024 Title IX Final Rule:
 - Recordkeeping requirement does NOT apply to records re: pregnancy or related conditions that demonstrate that the school has met its obligations to provide reasonable modifications to students and lactation time/space to students and employees.





Submodule 4

Are there other training obligations I should be considering?

YES

Clery Act/ VAWA Amendments

- Officials involved in disciplinary proceedings must receive training on “issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.”
- Training must be provided annually.

34 C.F.R. § 668.46(k)(2)(ii)

Clery Act/ VAWA Amendments

- An institution's Annual Security Report must include a statement of policy that addresses primary prevention and awareness programs directed at incoming students and new employees.

34 C.F.R. § 668.46(j)(1)(i)

Clery Act/ VAWA Amendments

- An institution's Annual Security Report must also include a statement of policy that addresses ongoing prevention and awareness campaigns directed at students and employees.

34 C.F.R. § 668.46(j)(1)(ii)

NCAA Policy on Campus Sexual Violence

- Annually the President, Director of Athletics, and TIXC must attest to (among other things) the following:
 - All student-athletes, coaches and staff have been educated each year on sexual violence prevention, intervention and response, to the extent allowable by state law and collective bargaining agreements.

Other Places You May Find Training Requirements

- State laws
- Research Funding Contracts
- Accreditation Requirements
- Grants





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