

**Session 1:
Foundations of K-12
Title IX Compliance**
Understanding Legal Duties,
Impartiality, and Compliance
Essentials

OSPA Summer Retreat
July 28-29, 2025



Presented By
Jackie Gharapour Wernz
Attorney & Consultant
jackie@educationcivilrights.com



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About ECR Solutions

- Most educational administrators lack the time, specialized expertise, and staff to fully meet their institutions' civil rights obligations.
- ECR Solutions PLLC fills those gaps through holistic legal guidance, strategic consulting partnerships, and interim or external civil rights staffing.
- This support helps institutions manage legal risk, reduce the likelihood of public scrutiny, and uphold the rights of their communities.



WELCOME
**Getting
Education Civil
Rights Right,
The First Time**
Expert services to help you understand civil rights laws and industry standards for K-12, higher ed, and beyond



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Reminders!

- This is not legal advice; contact me for specific help
- Training materials must be posted online
- Keep it hypothetical
- Ask questions
- Have fun!

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Agenda


- Title IX: The Basics
- Definitions & Duties
- Bias, Conflicts of Interest, and Prejudgment



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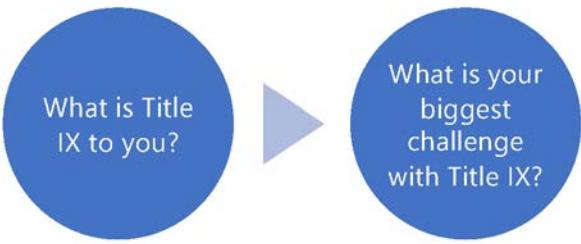
Work Alike Groups

- You should be seated with others **who serve in similar roles to you**
 - ✓ Title IX Coordinators/Deputy Coordinators (Intake & Coordination)
 - ✓ Investigators
 - ✓ Decision-Maker (Initial Decision)
 - ✓ Appeals Decision-Maker
 - ✓ Informal Resolution Facilitator
 - ✓ Other
- Each breakout group will examine the requirements covered **through the lens of their specific responsibilities**, allowing every attendee to understand how their role connects to the broader Title IX framework

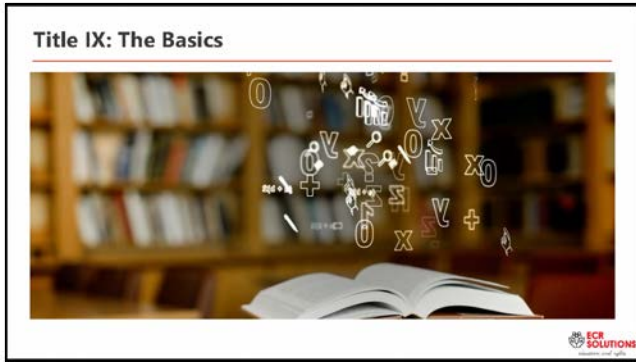


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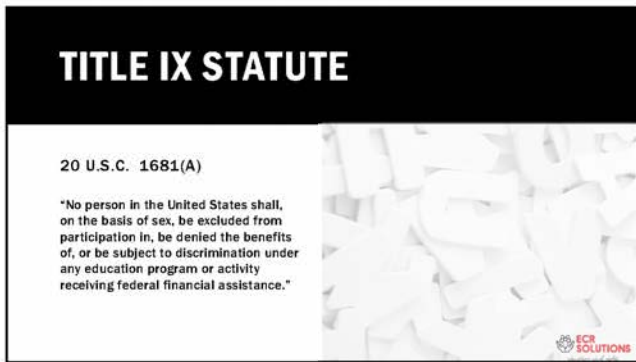
Work Alike: What's Title IX?



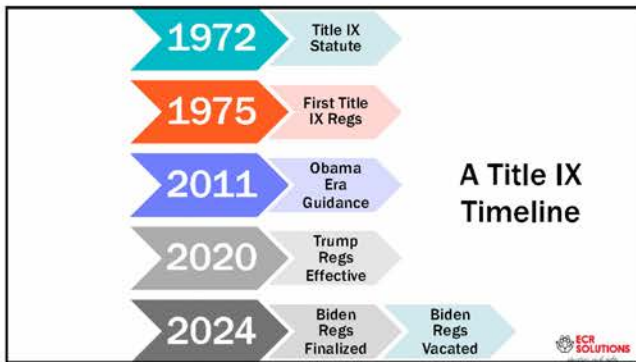
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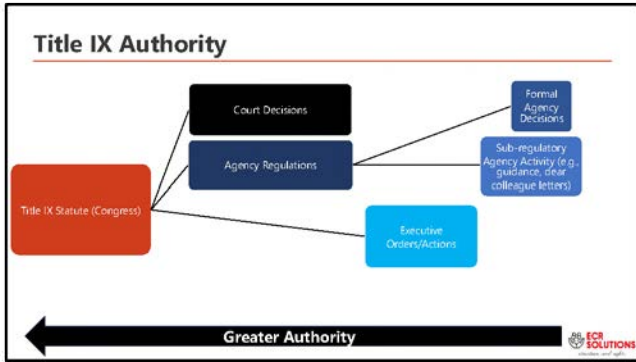
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RECORDS

- Retain all records for at least 7 years
- Post training materials on your website under 2020 rules

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TRAINING REQUIREMENTS

ALL TITLE IX TEAM MEMBERS	SPECIFIC ROLES
<ul style="list-style-type: none">• Definition of sexual harassment in §106.30• Scope of the "education program or activity"• How to conduct their part of the grievance process• How to serve impartially	<ul style="list-style-type: none">• Issues of relevance of questions and evidence (decision-makers)• Issues of relevance to create an investigative report that fairly summarizes relevant evidence (investigators)

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TRAINING RECOMMENDATIONS


ALL TITLE IX TEAM MEMBERS <ul style="list-style-type: none">• Practical training based on past or current cases• Training on credibility determinations• Consultant or legal "on the job" training	ALL EMPLOYEES <ul style="list-style-type: none">• What is sexual harassment (Title IX and other)—with real-life examples• Where and when to report sexual harassment• What happens when a report is made
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Parental Rights

- Both Title IX and Oregon law require granting parents/guardians of minor parties full rights to participate in the process
- HB 2631 requires that parents or guardians be notified for both the student alleged to have experienced and the student alleged to have engaged in bullying, cyberbullying, harassment, or intimidation. Prior to the notification, the student must be informed that such notice will be provided.
 - If the incident involves physical acts, the notification must be made promptly.
 - For other types of incidents, notification must be provided within a reasonable time.
- An exception applies if there is a reasonable fear that notification would endanger the student, or if the student requests that notice not be given and there is a reasonable belief that notification is not in the student's best interest.
 - Schools are still required to inform students that their parents or guardians may be able to access the information through their education records.



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SERVING IMPARTIALLY

- Title IX Coordinator
- Investigator
- Decision-maker
- Appellate Decisionmaker
- Informal Resolution Facilitator

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IMPARTIALITY


BIAS	CONFLICT OF INTEREST	PREJUDGMENT
<ul style="list-style-type: none">Assumptions based on characteristics of a person or thingExamples include status as a party and "protected statuses"	<ul style="list-style-type: none">Investment in the outcome of the matterCarefully consider your connections, background, experiences, etc.Consider perceptions, not just fact	<ul style="list-style-type: none">An opinion about a situation of a person that is formed before knowing or considering all of the factsDo not speculate. Infer, connect the dots, rely on personal experience or belief, weigh credibility if you're not the decision-maker



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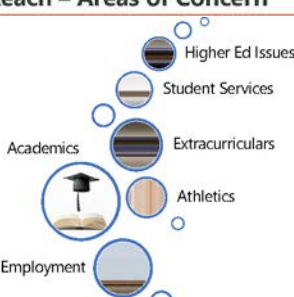
REMEDYING RISKS

- Disclosure/written consent from parties
- Recusal
- Levels of review







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Title IX's Reach – Areas of Concern



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Title IX's Reach – Types of Discrimination

-  Different Treatment
-  Disparate Impact
-  Harassment
-  Retaliation



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TITLE IX SEX DISCRIMINATION IS NOT JUST HARASSMENT

Harassment	Different Treatment	Disparate Impact	Retaliation
<ul style="list-style-type: none"> Unwelcome conduct Based on sex Creates a hostile environment 	<ul style="list-style-type: none"> Intentional different treatment (treating someone differently without a legitimate, non-retaliatory, non-pretextual reason) Complaints common in athletics, with pregnant or parenting students, with student discipline, and with single sex programs and activities 	<ul style="list-style-type: none"> Unintentional disparate impact without a strong reason and showing of no alternative to reach that goal Same areas of concern as different treatment 	<ul style="list-style-type: none"> Intimidation, threats, bullying, harassment, different treatment, and other adverse actions because someone engaged in activity protected by Title IX (made a report or complaint, defended oneself, served as a witness, etc.) Includes "peer retaliation"



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Let's Talk Oregon – Different Treatment Examples

Discrimination includes...

- Treating one person differently from another in determining whether such person satisfies any requirement of condition for the provision of such aid, benefit, or service
- Providing different aid, benefits, or services, or provide aids, benefits, or services in a different manner
- Denying any person such aid, benefit, or service
- Subjecting any person to separate or different rules of behavior, sanctions, or other treatment
- Aiding or perpetuating discrimination by joining or remaining a member of any agency or organization which discriminates in providing any aid, benefit, or service to students or employees
- Otherwise limiting any person in the enjoyment of any right, privilege, advantage, or opportunity

"Exceptions": These rules shall not affect attendance boundaries, limit placement of students in programs of desegregation, nor supersede any specific statutory requirement for any educational program.





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DIFFERENT TREATMENT BASED ON WHAT?

"BASED ON SEX"

- Sex (actual or perceived sex as male or female)
- Sexual characteristics and traits (private anatomy, chromosomes, hormone levels, intersex variations)
- "Sexual" (related to the act of sexual activity)
- Sex stereotyping (conformity with gender norms)
- **Sexual orientation?** (gay, bisexual, etc.)
- **Gender identity?** (transgender, nonbinary, etc.)
- Pregnancy or parenting status



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LGBTQ+ & TITLE IX

TRUMP ADMINISTRATION STEPS

- Officially rejected 2024 Title IX regulations, which explicitly included sexual orientation and gender identity as protected categories
- Issued executive orders and guidance purporting to narrow the definition of "sex" under Title IX to biological sex assigned at birth
- Initiated challenges and removed grant funding from schools that respect students' gender identity in facilities, sports, etc.
- This issue is currently being litigated in Federal courts across the country




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Let's Talk Oregon

OR 581-021-0045 "Discrimination Prohibited"

- Prohibits "Discrimination" which includes "any act that unreasonably differentiates treatment, intended or unintended, or any act that is fair in form but discriminatory in operation, either of which is based on age, disability, national origin, race, color, marital status, religion, sex **or sexual orientation**"
- "Sexual orientation" means an individual's actual or perceived heterosexuality, homosexuality, bisexuality **or gender identity**, regardless of whether the individual's gender identity, appearance, expression or behavior differs from that traditionally associated with the individual's sex at birth



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Let's Talk Oregon

OSAA Policy

- The Oregon School Activities Association has a Gender Identity Participation Policy that generally **allows transgender, non-binary, and intersex students** to participate on the team of their identified gender, even if it does not match their sex assigned at birth.



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Grabowski v. Arizona Bd. of Regents (9th Cir. 2023)

Ninth Circuit Court of Appeals (Federal Court)

"In *Bostock v. Clayton County*, the Supreme Court brought sexual-orientation discrimination within Title VII's embrace. The Court held that discrimination "because of" sexual orientation is a form of sex discrimination under Title VII. **We conclude that the same result applies to Title IX.**"



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Roe v. Critchfield (9th Cir. 2025)

- Transgender student and LGBTQ+ group challenged Idaho's law requiring restroom use by "biological sex."
- Claimed violations of Equal Protection, Title IX, and informational privacy.
- Court upheld the law, finding it supported by privacy interests—especially in communal spaces.
- **Did not decide if Title IX protects gender identity in this context**; ruled Idaho lacked clear notice under federal funding rules so a Title IX claim could not succeed for procedural reasons.
- Use of single-user facilities by any student meant no automatic "outing" of transgender students.



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Price Waterhouse v. Hopkins (U.S. 1989)

- Ann Hopkins was denied partnership at Price Waterhouse for being "too aggressive" and not "feminine" enough
- Evaluators suggested she should "walk more femininely" and "wear makeup"
- Supreme Court held: Sex stereotyping = sex discrimination under Title VII
- Introduced mixed-motive framework: If sex was a motivating factor, the burden shifts to the employer
- Landmark case for recognizing bias based on nonconformity to gender norms
- Often cited in Title IX cases involving gender identity and expression, including those involving sexual orientation and gender identity



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Work Alike: LGBTQ+ Issues

Review the "LGBTQ+" document

<https://tinyurl.com/OSPAT9Session1>

What types of discrimination is Jordan raising?

Thinking about your district, how would you approach the questions of whether Jordan's complaint should be handled under Title IX, state law, or other policies?



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Definitions & Duties



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Title IX SH Policy Requirements

Content of Policy	Availability and Posting
<p>1. Designation of Coordinator Must designate a "Title IX Coordinator"</p> <p>2. Nondiscrimination Policy Must have a policy that</p> <ul style="list-style-type: none">prohibits discrimination based on sex in all education programs and activities, including employmentaffirms that Title IX mandates such nondiscrimination; andexplains that inquiries about the policy can be directed to the Title IX Coordinator, OCR, or both <p>3. Grievance Procedures Must publish grievance procedures that provide for the prompt and equitable resolution of complaints alleging any action that would be prohibited by Title IX, including several specific requirements from Title IX for such process</p>	<p>Must notify community members of:</p> <ul style="list-style-type: none">the Title IX Coordinator's contact information;the nondiscrimination notice; andthe grievance procedures, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the District will respond. <p>Must publish the Title IX Coordinator's contact information in each handbook or catalog</p> <p>Must not use or distribute a publication stating that the District treats applicants, students, or employees differently based on sex, except as permitted by Title IX (e.g., bathrooms, sports teams)</p>

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Let's Talk Oregon (ORS 342.700-704; OAR 581-021-0038, 0045, 0230, 0238)

Sexual Harassment Policy Requirements	Availability & Posting
<p>Policy must include:</p> <ul style="list-style-type: none">A statement of commitment to eliminating sexual harassmentA declaration that the policy applies to all students, staff and third parties in or near school property, at school/district events, or hostile environment created by student or staff member in those areasDefinitions & examples of sexual harassmentNames, roles, and contact information for complainantsMandatory reporting requirementsRequirement to take proactive, non-retaliatory action for the impacted personAssurance that good faith participation won't affect education/employmentDrug/alcohol amnesty provisions for students (unless intentional drugging)Requirement to notify all relevant parties (reporting, reported, impacted parents, as applicable) of the complaint, investigation status, and outcome, within confidentiality limits	<ul style="list-style-type: none">Obligation to investigate all reportsInvestigation procedures, including procedures for third party complaintsStandards for identifying a hostile environmentRequired remedial steps to stop and prevent harassmentA clear prohibition on retaliationCommitment to remedial action to stop/prevent recurrence <p>Policy must be:</p> <ul style="list-style-type: none">Available to students, parents, staff, and third parties at each school office, at the district office, and upon requestPublished in handbooks, on website, andPosted on 8.5x11" signs in all grade 6-12 schools <p>** A notice must be sent to involved parties upon receipt of a complaint, which must also be made available at school and district offices and on the district's website</p>

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Title IX SH Grievance Procedure Requirements

<p>Fair Treatment of Parties</p> <ul style="list-style-type: none">✓ Remedies for complainants after finding of responsibility✓ Disciplinary sanctions only after completing grievance process✓ Presumption of non-responsibility✓ Equal access to supportive measures	<p>Procedural Safeguards</p> <ul style="list-style-type: none">✓ Clearly stated standard of evidence (e.g., preponderance)✓ Reasonably prompt timeframes (with written notice of delays for good cause)✓ Description or list of possible disciplinary sanctions and remedies✓ Appeal procedures and permissible appeal bases
<p>Objective & Impartial Process</p> <ul style="list-style-type: none">✓ Objective evaluation of all relevant evidence (inculpatory & exculpatory)✓ No credibility judgments based on status (e.g., complainant/respondent/witness)✓ No conflict of interest or bias by Title IX personnel✓ Training must avoid sex stereotypes and promote impartiality	<p>Privacy & Access</p> <ul style="list-style-type: none">✓ Description of available supportive measures✓ No use of privileged information without voluntary waiver

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WHEN DOES TITLE IX APPLY?

 Knowledge	 Prohibited Conduct	 In an Ed Program or Activity	 In the U.S.
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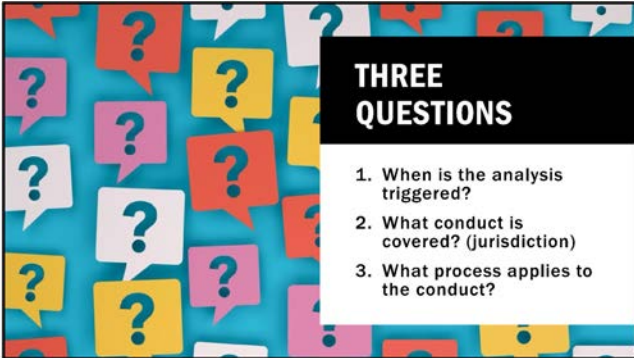
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IF TITLE IX APPLIES...

You must use the **Title IX grievance procedure** to address the conduct



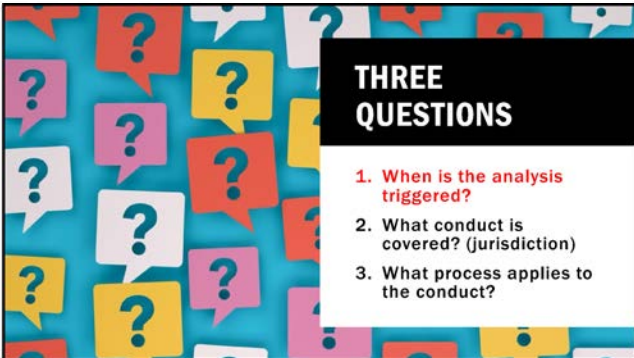
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THREE QUESTIONS

1. When is the analysis triggered?
2. What conduct is covered? (jurisdiction)
3. What process applies to the conduct?

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WHEN IS THE ANALYSIS TRIGGERED?

"Actual knowledge" of sexual harassment is received by the Title IX Coordinator or another official with authority to institute corrective measures for sexual harassment

Does not apply when the only employee aware is the *alleged perpetrator (the respondent)*




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K-12 Employees Must Report

All K-12 employees are "officials with authority"

As a result, all K-12 employees **must** report any information of which they become aware that could be Title IX sexual misconduct


Recommended to require all K-12 employees to report regarding **any civil rights violation** of which they learn, whether or not it is "Title IX" sexual misconduct



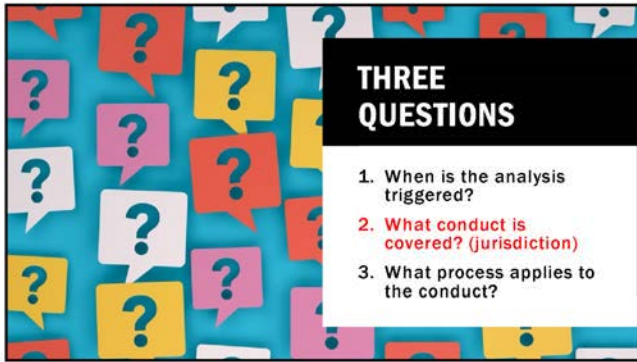
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Compare to Oregon

Title IX The requirement that any employee or official with authority to institute corrective measures on the district's behalf must report known or alleged sexual harassment is inferred from provisions providing that a district is deemed to know about such conduct when either a K-12 employee of an elementary or secondary school or an official with authority to take corrective action has notice of the conduct or allegations	Oregon Law When a staff member (other than the staff member who is the alleged victim of the behavior) becomes aware of behavior that may violate the policy, the staff member shall report to an official of the district so that the official and the staff member may coordinate efforts to take any action necessary to ensure the student or staff member complainant is protected and to promote a nonhostile learning or work environment
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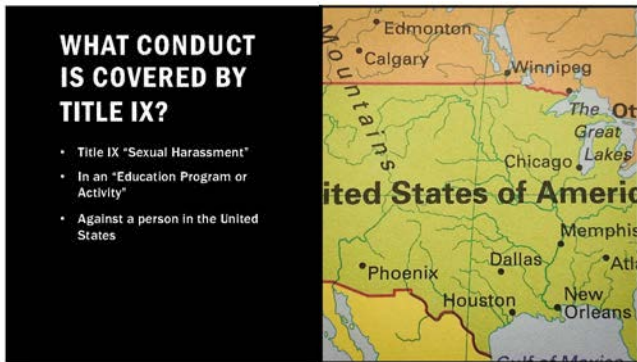
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WHAT CONDUCT IS COVERED BY TITLE IX?

- Title IX "Sexual Harassment"
- In an "Education Program or Activity"
- Against a person in the United States

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WHAT CONDUCT IS COVERED BY TITLE IX?

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Key Requirements – “Sexual Harassment”

Title IX

1. An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct (*quid pro quo* harassment by an employee)
2. Unwelcome 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
3. Sexual assault, dating violence, domestic violence, or stalking

Oregon Law

1. A demand or request for sexual favors in exchange for benefits (*quid pro quo* by anyone)
2. Unwelcome conduct of a sexual nature that is physical, verbal or nonverbal and that interferes with a student's educational program or activity or a staff member's ability to perform the job or that creates an intimidating, offensive, or hostile educational, work, or other environment
3. [Sexual] Assault
Exceptions for conduct that is necessary for a job duty that is not the product of sexual intent, and a person finding another person or their actions offensive solely because of sexual orientation or gender identity

ORS 342.700-708 and OAR 581-021-0038 

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Key Requirements – “Sexual Assault”

Title IX

- **Not clearly defined**
- Includes rape and fondling
 - o Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim
 - o Fondling: Touching the private body part of another person (above or below the clothing) without consent
- Title IX does not define consent

Oregon Law

Assault, when sexual contact occurs without a person's consent because the person is:

- (I) Under the influence of drugs or alcohol
- (II) Unconscious; or
- (III) Pressured through physical force, coercion or explicit or implied threats.

ORS 342.700-708 and OAR 581-021-0038 

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Let's Talk Oregon

ORS 339.370 defines prohibited "sexual conduct" (which must be reported to law enforcement, DHS, ODE, or TSPC) as "verbal, written or electronic communications by a school employee, a contractor, an agent or a volunteer that involve a student and that are:

- Sexual advances or requests for sexual favors directed toward the student; or
- Of a sexual nature that are directed toward the student or that have the effect of unreasonably interfering with the student's educational performance, or of creating an intimidating or hostile educational environment.

Such conduct *may* also violate State law and Title IX regarding sexual harassment.



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Let's Talk Oregon


ORS 342.704/OAR 581-012-0038 defines "without consent" as an act performed:

- Without the knowing, voluntary and clear agreement by all parties to participate in the specific act; or
- When a person who is a party to the act is: (i) Incapacitated by drugs or alcohol; (ii) Unconscious; or (iii) Pressured through physical force, coercion or explicit or implied threats to participate in the act.

Also potentially relevant is the age of consent in Oregon (18 years old, although a "Romeo and Juliet" provision says that criminal charges can be avoided if lack of consent is due solely to an age difference of less than 3 years.



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DOMESTIC VIOLENCE

Felony or misdemeanor crimes committed by a person who:

- Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim
- Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner
- Shares a child in common with the victim or
- Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction




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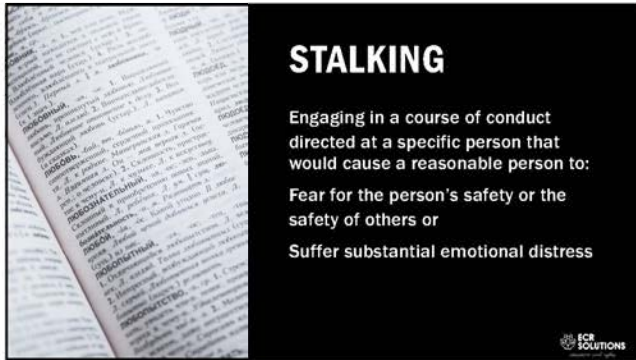
DATING VIOLENCE

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, where the existence of such a relationship shall be determined based on a consideration of the following factors:

- (1) The length of the relationship;
- (2) The type of relationship; and
- (3) The frequency of interaction between the persons involved in the relationship



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STALKING

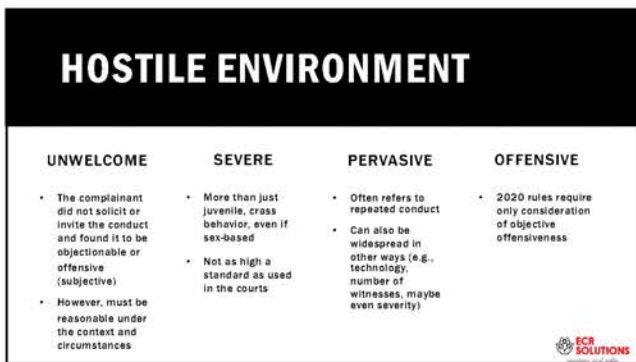
Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

Fear for the person's safety or the safety of others or

Suffer substantial emotional distress

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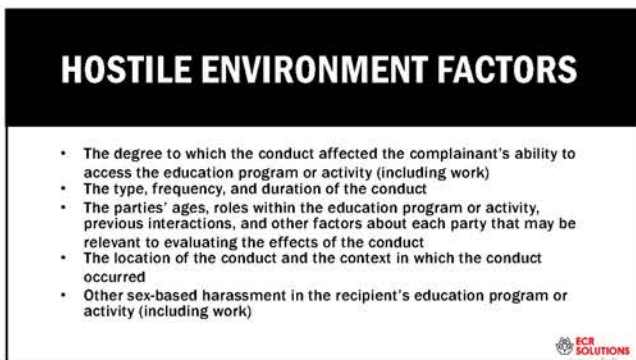


HOSTILE ENVIRONMENT

UNWELCOME	SEVERE	PERVASIVE	OFFENSIVE
<ul style="list-style-type: none">The complainant did not solicit or invite the conduct and found it to be objectionable or offensive (subjective)However, must be reasonable under the context and circumstances	<ul style="list-style-type: none">More than just juvenile, crass behavior, even if sex-basedNot as high a standard as used in the courts	<ul style="list-style-type: none">Often refers to repeated conductCan also be widespread in other ways (e.g., technology, number of witnesses, maybe even severity)	<ul style="list-style-type: none">2020 rules require only consideration of objective offensiveness

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HOSTILE ENVIRONMENT FACTORS

- The degree to which the conduct affected the complainant's ability to access the education program or activity (including work)
- The type, frequency, and duration of the conduct
- The parties' ages, roles within the education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct
- The location of the conduct and the context in which the conduct occurred
- Other sex-based harassment in the recipient's education program or activity (including work)

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WHAT CONDUCT IS COVERED BY TITLE IX?


- Title IX "Sexual Harassment"
- In an "Education Program or Activity"
- Against a person in the United States



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Title IX applies in an educational institution's "education program or activity" against a "person in the United States"
(It's in the statute)




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EDUCATION PROGRAM OR ACTIVITY

- School operations
- Conduct on school-owned or -operated technology
- Locations, events, or circumstances over which the school exercised substantial control over both the respondent and the context in which the sexual harassment occurred




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OFF CAMPUS CONDUCT


- Always required to address an on-campus hostile environment, even under the 2020 rule
- But what constitutes a "hostile environment" can be confusing when some conduct occurs off campus



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Let's Talk Oregon

- Oregon's bullying/harassment law defines prohibited conduct to include acts that occur "on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation, or at any official bus stop"
- Oregon's sexual harassment law and related administrative rules emphasize **environment and impact** more than location



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Work Alike: Report of Concerns

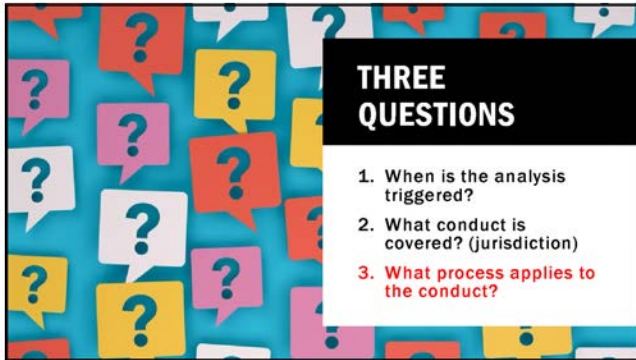
Review the "What is the Violation?" document

<https://tinyurl.com/OSPAT9Session1>

See specific work alike group questions in the document



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THREE QUESTIONS

1. When is the analysis triggered?
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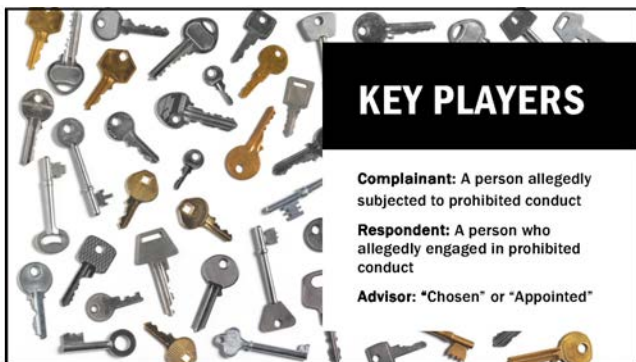
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THE TITLE IX TEAM

- Title IX Coordinator
- Investigator
- Decision-maker
- Appellate Decisionmaker
- Informal Resolution Facilitator

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KEY PLAYERS

Complainant: A person allegedly subjected to prohibited conduct

Respondent: A person who allegedly engaged in prohibited conduct

Advisor: "Chosen" or "Appointed"

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KEY TERMS TO KNOW

REPORT	COMPLAINT
<ul style="list-style-type: none">Information about conduct that could be prohibited conductAny person can make a reportA report can be oral or in writing	<ul style="list-style-type: none">A report plus a request that the university address the conductLimited individuals can make a complaintUnder the 2020 rules a complaint must be a "Formal Complaint" in writing and signed by the Complainant or the Title IX Coordinator



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Key Requirements – Pre-Complaint Response

Title IX	Oregon Law
<p>The Title IX Coordinator must:</p> <ul style="list-style-type: none">Promptly contact the complainant to discuss supportive measures, informing them that they are available with or without a formal complaint, considering their wishes, and explaining the formal complaint processConsider emergency removal or administrative leaveGive the Complainant time to consider filing a formal complaintConsider signing a formal complaint if the Complainant does not	<p>When a staff member becomes aware of behavior that may violate the policy, the staff member shall report to an official of the district so that the official and the staff member may coordinate efforts to take any action necessary to ensure the impacted party is protected and to promote a nonhostile learning, work, or other environment, including:</p> <ul style="list-style-type: none">Providing resources for support measures to the student, andTaking any actions that are necessary to remove potential future impact on the student, staff member, or person, but that are not retaliatory against the student, the staff member, or the staff member who reported to the official of the district



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INTAKE VS INVESTIGATION

INTAKE + EVALUATION	INVESTIGATION
<ul style="list-style-type: none">Receipt of report or complaintAcknowledgement, resources, and support for reporting parties or complainantsIntake meetings with reporting parties and/or complainants to obtain allegations without regard for credibilityDetermination of jurisdictionNotice of rightsPreservation of evidence	<ul style="list-style-type: none">After sending of notice of allegations and notice of interviewsInterviewing witnesses to obtain evidenceGathering evidence (documents, emails, records, etc.)Analysis of evidence, including addressing credibility indirectly or directlyInvestigation report with a summary of the evidence



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DISMISSALS

TITLE IX	OREGON LAW
Mandated Dismissal <ul style="list-style-type: none">No Title IX Jurisdiction Permissive Dismissal (if Reasonable) <ul style="list-style-type: none">Complainant's Written RequestRespondent's Enrollment or Employment EndsSpecific circumstances prevent gathering sufficient evidence to make a decision	<ul style="list-style-type: none">All reports shall be investigated?



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WRITTEN NOTICE OF DISMISSAL

- Required under 2020 rule—can combine with notice of allegations
- Best practice to provide in writing any time the Respondent has received notice of allegations
- Parties who receive notice must have right to appeal



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REMEMBER – IF IT'S NOT T9

DON'T IGNORE	USE OTHER POLICY	SUPPORT, SUPPORT, SUPPORT
Just because something does not meet the definitions to be "Title IX" does not mean you should ignore it	If conduct would not, if substantiated, be covered by Title IX, you can use another policy or procedure to address it	Best practice is always to support students who report any sex-based (or other civil rights) misconduct, even if Title IX does not require you to do so



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Key Requirements – When Investigation Occurs

Title IX

- An investigation only occurs if a formal complaint is **filed by the complainant** (or a minor complainant's parent/guardian) or **signed by the Title IX Coordinator**
- Informal resolution can be offered in certain cases, but only replaces investigation if both parties voluntarily agree to participate **and** it is successful

Oregon Law

"All complaints about behavior that may violate the policy shall be investigated"
- ORS 342.704



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Title IX matter?
No Title IX complaint?
Go no further!
If you must discipline, sign or initiate a complaint
Otherwise, support, support, support



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Key Requirements – Written Notices

Title IX

- Notice to both complainant and respondent (and minor parties' parents/guardians) of:
- Allegations (and Supplemental Allegations)
 - Dismissal
 - Informal Resolution Process
 - Meetings and Interviews
 - Directly Related Evidence
 - Investigation Report
 - Hearing
 - Written Determination with Notice of Appeal

Oregon Law

Notice to the reporting person, impacted person (complainant), reported person (respondent), and parents/legal guardians, where applicable, to the extent allowed by state and federal student confidentiality laws:

- Upon receipt of a complaint
- When the investigation is initiated
- When the investigation concludes
- When a decision is reached (whether a violation of the policy was found to have occurred)



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CONFIDENTIALITY VS. PRIVACY


- Once a complaint is filed, signed, made, or initiated, the Complainant's identity cannot remain confidential
- Explain this to the Complainant early on in the process
- Can take steps to protect privacy (will be required to if the 2024 rules go into effect)



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INFORMAL RESOLUTION


2020 RULE	2024 RULE
<ul style="list-style-type: none">• Can only provide once a formal complaint is filed/signed and until a determination• Must be voluntary, must provide notice and explain consequences• Cannot be used to address employee-on-student conduct	<ul style="list-style-type: none">• Can provide any time before a determination• Must be voluntary, must provide notice and explain consequences• Can be used to address employee-on-student conduct unless prohibited by law• May decline where "the alleged conduct would present a future risk of harm to others"



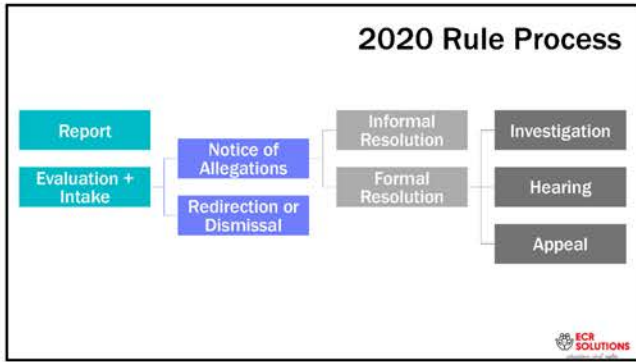
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Let's Talk Oregon (ORS 342.700-704; OAR 581-021-0038, 0045, 0230, 0238)

Scope of Coverage	Upon complaint, provide written notice to complainants (and parents, if applicable), including:
<ul style="list-style-type: none">• Applies on or off campus if a school-related hostile environment is created.• Covers sex, sexual orientation, gender identity, and other protected classes (e.g., race, disability, religion).• "Third parties" are covered	<ul style="list-style-type: none">• Rights, contact info, internal process & timelines• Notice of external remedies & time limits• Privacy rights & exceptions• Available district, state & community resources
	<p>Provide written notice to all relevant parties—including complainant, respondent, impacted person, and parents (if applicable)—at:</p> <ul style="list-style-type: none">• Initiation and conclusion of investigation• Conclusion: whether a policy violation was found (as permitted by law)



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Work Alike: Report of Concerns

Review the "Report of Concerns" document

<https://tinyurl.com/OSPAT9Session1>

The ECR SOLUTIONS logo is in the bottom right corner.

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**Session 1:
Foundations of K-12
Title IX Compliance**

Understanding Legal Duties,
Impartiality, and Compliance
Essentials

OSPA Summer Retreat
July 28-29, 2025

Thank you!

Jackie Gharapour Wernz
Attorney & Consultant
jackie@educationcivilrights.com

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Long descriptions

Figure on page 1

The image depicts two hands, one holding a pen and the other pointing at documents spread across a table. The setting appears to be a well-lit office environment, with a soft glow suggesting sunlight filtering through a window. In the background, there is a small potted plant, adding a touch of greenery to the workspace. The documents on the table include sticky notes and papers, indicating an active discussion or brainstorming session. This scene conveys a sense of collaboration and engagement in a professional context, highlighting teamwork and communication.

Figure on page 13

The illustration features three individuals in a creative workspace. The person on the left is sitting on a stack of books, holding a pencil and looking thoughtfully at a floating orange sphere. The central figure is standing, gesturing with one hand while holding a light bulb in the other, suggesting an idea or inspiration. The individual on the right is crouched down, pointing at a grid-like design on a screen. The background is filled with various colorful geometric shapes, including triangles, circles, and squares, creating a vibrant and dynamic atmosphere that emphasizes creativity and collaboration. The overall composition conveys a sense of innovation and teamwork.

Figure on page 13

The image features a vibrant background filled with various colored speech bubbles, each containing a question mark. On the right side, there is a black section with the heading 'THREE QUESTIONS' in bold white text. Below the heading, three questions are listed: 1. 'When is the analysis triggered?' 2. 'What conduct is covered? (jurisdiction)' 3. 'What process applies to the conduct?' This layout emphasizes the importance of these questions in the context of Title IX applications.

Figure on page 13

The image features a vibrant background filled with various colored speech bubbles, each containing a question mark. The colors include pink, red, blue, yellow, and white, creating a lively and engaging visual. Overlaying this background is a black section on the right side that contains three important questions related to Title IX. The questions are presented in a clear, numbered format: 1. When is the analysis triggered? 2. What conduct is covered? (jurisdiction) 3. What process applies to the conduct? The text is highlighted in red, making it stand out against the black background, ensuring that the key points are easily readable.

Figure on page 19

The image features a close-up of a map with a red pushpin prominently displayed. The pushpin is inserted into the map, indicating a specific location. The map itself contains various geographical details, including roads, waterways, and possibly landmarks, represented through lines and colors. The background of the map is light, with subtle colors that help distinguish different features. The pushpin serves as a visual marker, drawing attention to the area it points to, which may be relevant for navigation or highlighting a point of interest. Overall, the image conveys a sense of direction and location, emphasizing the importance of the marked spot on the map.

Figure on page 20

The first image shows a close-up of a person's face, illuminated by the blue light of a computer screen, suggesting a focus on technology or digital content. The second image captures a lively outdoor gathering at night, featuring a group of friends dressed in casual attire, laughing and enjoying each other's company under string lights, creating a warm and inviting atmosphere. The third image presents a solitary figure sitting on a ledge, gazing out over a sprawling cityscape during sunset, evoking feelings of contemplation and solitude. Together, these images illustrate various aspects of social interaction and the contrasting experiences of connection and isolation.

Figure on page 21

The image features a vibrant background filled with various colored speech bubbles, each containing a question mark. The colors include pink, yellow, red, white, and blue, creating a lively and engaging visual. On the right side of the image, there is a black section with bold white text that reads 'THREE QUESTIONS.' Below this heading, three specific questions are listed in a clear format: 1. 'When is the analysis triggered?' 2. 'What conduct is covered? (jurisdiction)' 3. 'What process applies to the conduct?' The third question is highlighted in red for emphasis, drawing attention to its importance. This layout effectively combines visual elements with textual information, making it suitable for discussions or presentations related to analysis and conduct processes.

Figure on page 21

The image features a collection of various keys scattered across a white background. The keys vary in shape, size, and color, including metallic and gold tones. On the right side of the image, there is a section titled 'KEY PLAYERS' that defines three roles related to a process or system. The definitions are as follows: 'Complainant: A person allegedly subjected to prohibited conduct,' 'Respondent: A person who allegedly engaged in prohibited conduct,' and 'Advisor: "Chosen" or "Appointed."' This layout visually distinguishes the keys from the textual information, emphasizing the importance of understanding these roles.