

Title IX: Overview, Reporting & Actions Taken

May 7, 2025

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Title IX Overview

Conejo Valley Unified School District

May 7, 2025



- Overview and current state of the law: What is Title IX?
- Obligation to address discrimination on the basis of sex
- Jurisdiction
- Grievance Process
- Appeal
- Training
- Uniform Complaint Procedures
- Other Reporting Rights

What is Title IX?



“No person in the United States shall, on the basis of sex, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

(United States Congress, June 23, 1972.)



- Enforced by U.S. Department of Education (DOE), Office for Civil Rights (OCR)
 - OCR oversight
 - Loss of federal funds
- Implementing Regulations
 - Sex equity in sports programs
 - Prohibits discrimination on the basis of sex

- 2020 Overhaul
- Proposed changes in June 2022
- April 19, 2024, DOE unveiled its Final Rule
- Effective August 1, 2024
- January 9, 2025: Kentucky Decision Vacated 2024 Title IX Rule Nationwide
- February 4, 2025: U.S. Dept. of Ed Confirmed Application of 2020 Final Rule



- Actual Knowledge
- Formal Complaint
- Definition of Sexual Harassment
- Mandatory Dismissals
- Investigation and Process Requirements
 - Various, and sometimes separate roles (Title IX Coordinator, Investigator, Decision Maker, Decision Maker on Appeal, optional Informal Resolution Facilitator)
 - Written Notice
 - 2-Step Evidence Inspection Process
 - Separate Investigation Report and Determination of Responsibility
- Appeal

- Who can have actual knowledge?
 - Title IX Coordinator
 - “[A]ny official of the recipient who has the authority to institute corrective measures”; or,
 - Any Employee of an elementary and secondary school
- Reports or observations can constitute actual knowledge
- Actual knowledge triggers further action in the form of supportive measures and information regarding how to file a formal complaint

- Non-disciplinary, non-punitive, and individualized
- Designed to restore or preserve equal access to the educational program or activity without unreasonably burdening the other party
- Designed to protect the safety of all parties or the educational environment
- Title IX Coordinator is responsible for coordinating the implementation of the supportive measure(s)

- Document or electronic submission that contains complainant's physical or electronic signature, or otherwise indicates that the complainant is the one submitting the complaint
- Filed in person, by mail, or by electronic mail
- Alleging sexual harassment against a respondent
- Requesting that the District investigate the allegation of sexual harassment
- Can be signed by Title IX Coordinator

- Sexual harassment is defined as:
 - (1) Any quid pro quo harassment by a LEA's employee;
 - (2) "Any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive" that it "denies" a person equal educational access;
 - (3) sexual assault;
 - (4) dating violence;
 - (5) domestic violence; or
 - (6) stalking

- LEAs must dismiss a formal complaint of sexual harassment, for purposes of Title IX, when the alleged conduct:
 1. Would not constitute sexual harassment under the definition
 2. Did not occur in the LEA's education program or activity
 3. The alleged conduct did not occur against a person in the United States.

- The District should not impose discipline on a student respondent without first complying with the formal Title IX grievance process, which includes notice and opportunity to obtain an advisor.
 - (34 C.F.R. § 106.45(b)(5).)
- Impact on other obligations (e.g. expulsion recommendations).

- A respondent may be removed on an emergency basis if the District:
 - does an individualized safety and risk analysis;
 - determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal;
 - and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal

- Complainant is defined as:
 - an individual who is alleged to be the victim of conduct that could constitute sexual harassment
 - Complainants must be participating in or attempting to participate in the education program or activity of the LEA within which the formal complaint is filed
 - Alleged conduct must have occurred in a LEA's "education program or activity"
 - Includes locations, events, or circumstances which the school exercises substantial control over both the respondent and the context in which the sexual harassment occurred.
- Employees, not just students, may be complainants under Title IX (*North Haven Bd. of Educ. v. Bell*, 102 S.Ct. 1912 (1982).)
- Parents/legal guardians can file a formal complaint on behalf of their child, but they are not considered a "complainant."

- Due Process Requirements
 - Notice of Allegation
 - Investigation
 - Two-Step Evidence Inspection Process:
 - Step 1: Inspection and Review of Evidence before investigation report finalized
 - Step 2: Obligation to give parties the opportunity to submit questions after report is finalized but before a determination of responsibility is made.
 - Written determination
 - The decision-maker must then apply the factual findings to the applicable “code of conduct” or other relevant policies and procedures to determine responsibility.

- Because of the due process requirements in the new regulations, the District cannot promise total confidentiality to the parties to the investigation
 - Information given by all witnesses may be shared with the parties thorough the investigation
 - Privacy still maintained to the extent possible
- Privacy rights of all parties to the complaint are also still maintained in accordance with applicable state and federal laws to any individuals outside of the investigation process, and the public
 - State and federal laws, including Family Educational Rights and Privacy Act (FERPA) of 1974, apply

- Two stages for possible appeal:
 1. Dismissals of formal complaints; or,
 2. Determinations of responsibility.
- Decision-maker on appeal is different from the decision-maker, Title IX Coordinator and/or Investigator
- Bases
 - A procedural irregularity that affected the outcome of the matter.
 - New evidence that was not reasonably available at the time of the determination of responsibility or dismissal was made, that could affect the outcome of the matter.
 - The Title IX Coordinator, investigator or decision-maker had a conflict of interest or bias for or against the complainants or respondents that affected the outcome of the matter.
- Appeal to California Department of Education (CDE)

- UCP is a state law process; Title IX is a federal law
- Title IX addresses discrimination on the basis of sex only
 - Appeal process included in grievance procedures in addition to appeal to CDE
- UCP is broader and covers all topics set forth by state law, including bullying, harassment, or discrimination on the basis of protected characteristics, including sex, sexual orientation, gender, gender identity, gender expression (BP 1312.3)
 - Appeal to CDE
- Distinct Procedures
 - AR 1312.3 (UCP)
 - AR 5145.71 (Title IX)

- Grievance Process
- Supportive Measures
- Mandatory and Discretionary Dismissals
- Investigation:
 - Unbiased (understanding bias, types of bias, eliminating bias) – empathy without bias
 - Trauma-informed
 - Evidence, Credibility, Factual Findings
 - Determination
- Evidence
- Findings/Report Writing
- Appeals
 - Recognizing reasons for appeals
 - Handling appeal process
- Bias/Conflicts of Interest

- Title IX investigation is a District process, using a preponderance of the evidence standard (more likely than not based on totality of the evidence)
 - No criminal penalties
- At any time, Complainants may also bring complaints to the appropriate outside agencies including local police department
- Impact on the District's Title IX obligations and/or investigation
 - District obligations remain the same and run parallel to a police investigation
 - Distinct jurisdiction
 - Distinct authority, ability to access evidence, legal standard, remedies

THANK YOU

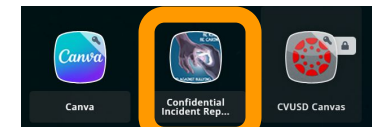
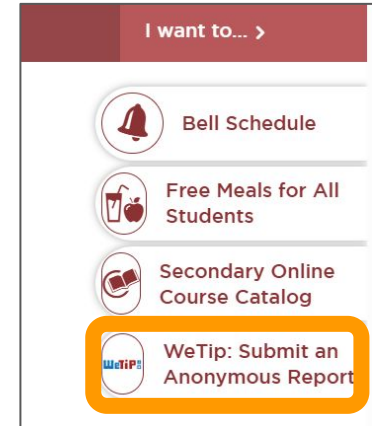
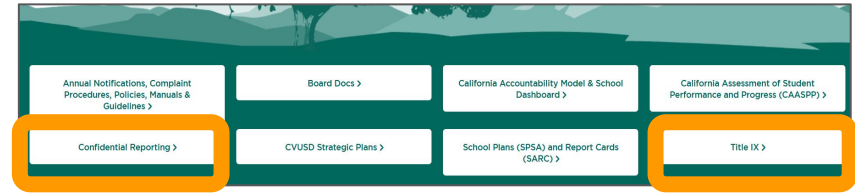
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Submitting a Report

- Tell any trusted adult on campus
- Complete a WeTip report
 - ClassLink
 - Title IX Posters
 - Bullying/Harassment Posters
 - School Webpages
 - Confidential Reporting Form



Actions Taken Since April 16, 2025 Board Meeting

- Contacted six student public speakers
- Attempted to contact many of the adult speakers
- Met with many Westlake High School (WHS) teachers and counselors to review the Title IX procedures and listen to staff's perspectives
- Community messages sent to WHS students, staff and families
 - April 17, 2025: Emphasized the school's commitment to providing a safe learning environment, encouraged community to report concerns, and provided an overview of available resources/methods for submitting concerns.
 - May 1, 2025: Provided a detailed document entitled "Questions & Answers: Title IX and Complaint Reporting Procedures in the CVUSD"
- Meetings with WHS leadership students, WHS Student DAC representatives, and with parents/staff at School Site Council to listen to their perspectives and to share general information about reporting
- Thousand Oaks High School and Newbury Park High School administration met with leadership students; and provided students, staff, and families with additional information about reporting concerns and included "Questions & Answers: Title IX and Complaint Reporting Procedures in the CVUSD"

Actions Taken Since April 16, 2025 Board Meeting

- Superintendent has been in email communication since April 16 with a representative of an anonymous gmail account. Provided correct emails for Board Trustees. Sought feedback on the Board of Education presentation and resolution.
- District staff directly contacted the anonymous gmail account to gather more information about students
- Added a new reporting option in WeTip under the “Discrimination and Harassment” section to include the option of “Sexual Harassment / Assault”. This is not a WeTip standard reporting option.
- Reviewed CVUSD Annual Feedback survey data from February 2025 and identified no reports or concerns regarding sexual assault out of about 786 parent responses and 2192 secondary student responses
- Individual Trustees from Board of Education met with district staff regarding investigations and general information about policies
- Gathered initial information from the Coalition for Family Harmony regarding possible additional training
- District Title IX Coordinator and Board Trustee attended non-district town hall event on 5/6/25

Board Discussion & Questions