Title IX in North Carolina Public Schools

Prevention, Response, & Legal Compliance

Administrator Training
July 2026

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LEARNING OBJECTIVES

- By the end of today's training you will be able to:
  - Recognize conduct that may implicate Title IX.
  - Understand your reporting obligations.
  - Avoid common mistakes that create district liability.
  - Implement supportive measures appropriately.
  - Respond confidently to complaints involving students or employees.
  - Know the grievance and investigation process for Title IX allegations.

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WHY THIS TRAINING MATTERS

- School districts face increasing scrutiny from:
  - Parents
  - Courts
  - OCR investigations
  - Media
  - Social Media
- One poor response can create years of litigation.

THE CURRENT LEGAL LANDSCAPE



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WHAT IS TITLE IX?

"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[.]"

20 USC Sec. 1681

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THEMES

- Access
- Protect
- Transparency
- Evidence
- Improvement
- No Bias

TITLE IX COORDINATOR

- Coordinate the district's duty to PREVENT / INVESTIGATE / REMEDY
  - ensure policy / grievance procedures are updated
  - ensure notices are given to employees and students
  - ensure formal complaints are investigated
  - ensure appropriate steps to prevent immediate harm
  - ensure investigators are appointed and trained
  - ensure decision-makers are appointed and trained
  - ensure that persons deciding appeals are appointed and trained
  - ensure proper record keeping
  - ensure proper interaction with law enforcement

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WHAT CONDUCT IS COVERED?

- Allegations of *sexual harassment* that occur in an *education program or activity* located within the United States and of which the recipient has *actual knowledge*.

- If a person alleges misconduct that fits in the above description, institutions have a duty to respond. The Title IX Final Rule sets out your legal obligations in responding to such allegations.

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THREE QUESTIONS TO ASK

Before worrying about discipline, ask:

1. Could this be Title IX?
2. Do we have "actual knowledge"?
3. What must we do next?

Remember: your first job is not to decide who is right. Your first job is to ensure the district responds appropriately.

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MEET JORDAN AND MORGAN

- Ridgeview High School is a public high school in North Carolina serving approximately 1,400 students in grades 9–12.
- Jordan Davis is a 17-year-old junior at Ridgeview. Jordan is an honors student, plays varsity soccer, and is generally well regarded by teachers and coaches. Jordan has no prior disciplinary history.
- Morgan Lee is a 16-year-old junior at Ridgeview. Morgan is also an honors student and participates in student government and the school's theater program. Morgan has no prior disciplinary history.
- Jordan and Morgan had been dating for approximately five months. Their relationship was known to several friends and at least two teachers. They broke up approximately three weeks before the events described later.

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MEET JORDAN AND MORGAN

- The breakup was not entirely amicable. After the breakup, Jordan sent Morgan several text messages asking to talk and suggesting that they should “give it another chance.” Morgan responded that the relationship was over and asked Jordan to stop contacting Morgan.
- Jordan nevertheless continued to send occasional messages. Some were apologetic. Others expressed frustration that Morgan was “ignoring” Jordan.
- Two days before the incident, Jordan sent Morgan a message stating: “I really need to talk to you. Please don’t make me come find you at school.”
- Morgan interpreted the message as threatening. Jordan later explained that Jordan simply meant that it would be difficult to have a conversation if Morgan continued avoiding Jordan.

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ACTUAL KNOWLEDGE: THE TRIGGER

"Actual knowledge" is an objective standard.

Actual knowledge exists when an employee with authority to correct sexual harassment receives information that can objectively be taken to allege sexual harassment.

Actual knowledge is based on **WHAT WAS REPORTED**, not what you believe.

WHAT IS ACTUAL KNOWLEDGE?

- *Doe v. Fairfax County School Board* (4th Cir. 2021)
  - High school student reported that another student sexually assaulted her during an overnight band trip.
  - School administrators interviewed students but concluded discipline was not warranted.
  - Jury found the assault occurred but concluded the school lacked "actual knowledge."
  - Fourth Circuit reversed and ordered a new trial.

- Actual knowledge depends on **what was reported**, not whether school officials believed the allegation.

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WHAT COUNTS AS ACTUAL KNOWLEDGE?

- A student sends an email titled "Need to Report Peer Pressure and Sexual Harassment" to a school counselor, who forwards the email to the principal. The email alleged a student pressured another student into nonconsensual sexual activity.

- A student's parent meets with the Chief Student Services Officer and states her student has been the victim of a sexual assault during a class trip.

- As part of an ongoing investigation into student misconduct (that is not sexually related), the investigator finds, in the submitted material, an email a student sends a faculty member stating another student touched him in a nonconsensual manner.

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DO WE HAVE ACTUAL KNOWLEDGE?

- **Assistant Principal overhears: "Coach keeps sending me inappropriate Snapchats." Student immediately walks away.**

a. No – the student did not file a complaint.

c. Yes – notify the Title IX Coordinator.

b. No – need additional information.

d. Only if the parent complains.

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PRACTICAL LESSONS

1

Take every report of possible sexual harassment seriously.

2

Do not wait until you are convinced misconduct occurred before responding (by notifying the Title IX Coordinator).

3

Conduct a prompt, documented response consistent with Board Policy.

4

Avoid thinking:

- "I don’t think the student is telling the truth."
- "This probably wasn’t sexual harassment."
- "We'll wait until we know more before doing anything."

THE REPORT

The Incident

- On a Thursday afternoon, Ridgeview's junior class attended an athletic event at the school's football stadium.
- After the event ended, students were permitted to leave through several exits. Jordan approached Morgan near the concession stand and asked to speak privately.
- According to Morgan, Morgan said: "I already told you I don't want to talk to you."
- Morgan says Jordan responded: "You're going to talk to me."
- Morgan walked away toward a less crowded area behind the stadium.
- Jordan followed.
- There are no security cameras covering the precise location where the encounter occurred, although a camera captures portions of the walkway leading toward the area.
- The parties' accounts diverge substantially at this point.

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MORGAN'S REPORT

Morgan's Account

- Morgan states that Jordan grabbed Morgan's wrist and said: "You're not leaving until you listen to me."
- Jordan pulled Morgan toward a nearby equipment-storage area.
- Morgan repeatedly told Jordan to let go.
- Jordan eventually released Morgan's wrist but then blocked Morgan from leaving.
- Jordan kissed Morgan without permission.
- Morgan describes pushing Jordan away and saying: "No. Stop."
- Morgan says Jordan responded: "You used to want this."
- Jordan then put an arm around Morgan and attempted to kiss Morgan again.
- Morgan pushed Jordan away, yelled, "Get off me," and walked quickly toward the stadium.
- Morgan did not report the incident immediately.

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THE REPORT

The Immediate Aftermath

- Morgan returned home after the event and sent a text message to Morgan's close friend, Taylor.
- The message stated: "Jordan followed me and wouldn't let me leave. Jordan kissed me even after I said no."
- Taylor responded: "Are you okay?"
- Morgan replied: "I'm fine. I just don't want to see Jordan anymore."
- Morgan did not tell a parent that evening.
- The following morning, Morgan went to the school counselor and reported the incident.

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You receive Morgan's report – what do you do next?

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JORDAN'S INITIAL RESPONSE

Jordan's Account

- Jordan acknowledges following Morgan but denies grabbing or restraining Morgan.
- Jordan says Morgan initially agreed to talk and voluntarily walked toward the equipment area.
- Morgan became upset during the conversation and began yelling.
- Jordan acknowledges kissing Morgan but says Morgan did not object and initially kissed Jordan back.
- Jordan states: "I thought we were finally working things out."
- Jordan says Morgan pushed Jordan away only after Jordan attempted to kiss Morgan a second time.
- Jordan denies preventing Morgan from leaving.
- Jordan says: "I would never force Morgan to do anything."

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DELIBERATE INDIFFERENCE

- *What creates liability?*
  - When a district's response is CLEARLY UNREASONABLE in light of the known circumstances.
- The question is not: Did the district make a perfect decision?
- The question is: Did the district make a reasonable response?

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A REPORT COMES IN…

- Receive Report
- Ensure Immediate Safety
- Notify Title IX Coordinator (and law enforcement)
- Document what was Reported
- Consider Supportive Measures
- Follow District Procedures

Administrators want to solve the problem immediately – focus on safety, notification, and documentation.

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WHAT CONDUCT DOES TITLE IX COVER?

- Quid Pro Quo Harassment
- Hostile Environment
- Specific Criminal Conduct

QUID PRO QUO HARASSMENT

It can happen with just one statement.

A principal tells a teacher: “If you want your contract renewed, you should have dinner with me.”

A coach tells a student: “You’ll start Friday if you’re nicer to me.”

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QUID PRO QUO HARASSMENT

Characteristics

- ✓ Only employees can commit quid pro quo harassment under Title IX.
- ✓ No pattern is required.
- ✓ Does not require severe or pervasive conduct.

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HOSTILE ENVIRONMENT

When does conduct become legally actionable?

Was the conduct…

- ✓ Severe?
- ✓ Pervasive?
- ✓ Objectively offensive?

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HOSTILE ENVIRONMENT

When does conduct become legally actionable?

Then ask…

- ✓ Did the conduct effectively deny equal access to education?

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SEXUAL HARASSMENT: CRIMINAL CONDUCT

- Sexual Assault
- Fondling
- Stalking
- Dating Violence

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SCOPE: EDUCATION PROGRAM OR ACTIVITY

- "Education Program or Activity”
  - All the operations of a district.
  - Includes: locations, events or circumstances over which the district exercised substantial control over both the Respondent and the context in which the harassment occurs.

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WHAT DOES "DENIED EQUAL ACCESS" MEAN?

- A student does not have to withdraw from school. Examples include:
  - Declining grades
  - Avoiding a classroom
  - Quitting athletics
  - Leaving extracurricular activities
  - Anxiety affecting attendance
  - Difficulty eating or sleeping

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WHAT IS NOT TITLE IX?

Not every inappropriate act constitutes sexual harassment under Title IX.

x. Ordinary teasing

x. Mutual flirting

x. Personality conflicts

x. General bullying unrelated to sex

x. Classroom discipline issues

May still violate Board policy – even if not Title IX.

PRACTICE TIP

Don’t Ask…

Is this Title IX?

Instead Ask…

Could this be Title IX?

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THRESHOLD ASSESSMENT

Jordan and Morgan

- Assuming Morgan's account is true, what conduct is alleged?
- Does the alleged conduct potentially fall within the Title IX sexual harassment definition?
- Did it occur within the district's education program or activity?
- Does the district need to resolve consent or credibility before concluding that it could be Title IX?

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MANDATORY REPORTING

- Listen.
- Ensure immediately safety.
- Notify the appropriate official promptly.
- Document what was reported.
- Do **not** promise confidentiality.

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WHAT NOT TO SAY

"Don't worry, I won't tell anyone."

"I'm sure it's just a misunderstanding."

"You need proof before I can do anything."

INSTEAD, SAY

"Thank you for telling me."

"Our priority is your safety."

"I need to share this with the appropriate personnel."

DOCUMENTATION MATTERS

- Date & time of report.
- Who made the report.
- Exact words used when possible.
- Individuals present.
- Immediate actions taken.
- Notifications made.
- Supportive measures offered.

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INITIAL COMPLIANCE STEPS

- Identify your Title IX team.
  - Investigators, decision-makers, appeal entities, informal resolution facilitators.
  - Define roles and identify the required separation between them.

- Consider your policy and procedure options.
  - Informal Resolution;
  - Formal Investigation; and
  - Code of Conduct.

- How will you explain your process to others?

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BEST PRACTICES FOR INTAKE

- Explain options to a potential Complainant.
  - Option One: do nothing.
  - Option Two: file a Formal Complaint and proceed with an Informal Resolution.
  - Option Three: file a Formal Complaint and proceed with an Investigation… including information that must be shared with a Respondent.
  - Option Four: the complaint does not meet the definition of "sexual harassment" – proceed under different policies.
  - Option Five: Complainant does nothing then changes their mind next year.

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INTAKE MEETINGS

Did you as the Title IX Coordinator receive a "Formal Complaint" from a "Complainant"?

Allegations against a Respondent?

Alleges Sexual Harassment?

Person is attempting to/participating in an education program or activity?

Person experienced the alleged Sexual Harassment?

The alleged Sexual Harassment occurred within the district's Title IX jurisdiction?

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WHAT ARE SUPPORTIVE MEASURES?

- Individualized services designed to:

✓ Restore or preserve equal educational access
✓ Protect student safety
✓ Avoid unnecessary burden on either party

Supportive measures are not punishment.

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WHAT ARE SUPPORTIVE MEASURES?

- 📚 Academic accommodations
- 🗓️ Schedule changes
- 🚪 No-contact directives
- 🧠 Counseling referrals
- 🚶 Escort between classes
- ⚽ Temporary extracurricular modifications
- 🚌 Transportation adjustments

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INTAKE AND SUPPORTIVE MEASURES

- The Title IX Coordinator, Ms. Reynolds, met with Morgan along with Morgan's mother.
- Morgan became visibly upset during the meeting and stated that Morgan was afraid Jordan would "make everyone think I'm lying."
- Morgan's mother asked whether the school could keep Jordan away from Morgan.
- Morgan also stated: "I don't necessarily want Jordan suspended. I just don't want Jordan anywhere near me."

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INTAKE AND SUPPORTIVE MEASURES

- The Title IX Coordinator discusses supportive measures with Morgan and Morgan's mom.
- Morgan requests:
  - No-contact restrictions between Morgan and Jordan;
  - A schedule adjustment so that Morgan and Jordan are not in the same English class;
  - Permission to leave class five minutes early to avoid encountering Jordan in the hallway;
  - An escort to the parking lot for the next two weeks; and
  - Assistance addressing rumors that Morgan believes are beginning to circulate among students.

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INTAKE AND SUPPORTIVE MEASURES

- The Coordinator explains that supportive measures are available regardless of whether Morgan files a formal complaint.
- Morgan initially says: “I don’t know if I want to go through a whole investigation.”
- What should the Coordinator say and do?

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OVERVIEW OF THE PROCESS: FORMAL COMPLAINT

A document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting the district investigate allegations of sexual harassment.

In response to a Formal Complaint, the district must follow a grievance process.

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THE FORMAL COMPLAINT

- Morgan's written complaint states: "Jordan followed me after the football game, grabbed me, wouldn't let me leave, and kissed me even after I told Jordan no. Jordan did it again after I pushed Jordan away."
- The complaint identifies Taylor as a witness to the text messages sent immediately after the incident.
- Morgan also tells the Coordinator that another student, Casey, may have seen Jordan and Morgan talking near the stadium.

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TITLE IX COORDINATOR-SIGNED FORMAL COMPLAINTS

- When should the Title IX Coordinator file a Formal Complaint?
  - When the Coordinator determines a "non-deliberately indifferent response to the allegations requires an investigation."
- Signing a Formal Complaint does NOT make the Coordinator a "complainant".
- Examples:
  - Serial Respondent; and
  - Pattern of alleged sexual harassment by a Respondent in a position of authority.

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CLOSING A REPORT OR COMPLAINT

MANDATORY

- Allegations, even if proven, would not constitute a violation of Title IX Policy.
- Alleged sexual harassment did not occur in an **education program or activity** or in the **U.S.**

PERMISSIVE

- Complainant requests withdrawal.
- Respondent is no longer enrolled or employed by the district.
- District is prevented from gathering sufficient evidence.

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PROCEDURE TO CLOSE A REPORT OR COMPLAINT

- Title IX Coordinator must notify parties, including:
  - The reason(s) for closure;
  - Parties' rights to appeal; and
  - Directions to an appropriate district office or department to resolve the report or complaint, if any.

OVERVIEW OF THE PROCESS: NOTICE OF ALLEGATIONS

- A document written by the Title IX Coordinator and sent to the Complainant and Respondent that provides notice of the sexual harassment allegations and the district's grievance process.
- Must give the parties sufficient time to review the Notice before scheduling investigation interviews.
- Must send an additional notification to the parties if new allegations arise during the investigation.

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Title IX Coordinator: Written Notice of Allegations to Parties

- Sufficient details to allow parties to respond and prepare for initial interviews;
- Identity of the parties involved;
- Conduct alleged to be sexual harassment;
- Date and location of alleged incidents;
- Statement that Respondent is presumed not responsible and responsibility determination is made at conclusion of process;
- Parties' right to an Advisor;
- Parties' right to review evidence; and
- Notice that College prohibits making knowingly false statements or submitting false information.

WHAT IS AN INFORMAL RESOLUTION?



- No definition in the regulations.
  - "unnecessary"
  - "Informal resolution may encompass a broad range of conflict resolution strategies, including but not limited to arbitration, mediation, or restorative justice."

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INFORMAL RESOLUTION

- Informal resolution may not be used for a student's allegations against a district employee.
- Voluntary – parties must provide written consent.
- Independent, neutral person facilitates informal resolution (not the Title IX Coordinator).
- Process may end at any time prior to resolution agreement.

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INFORMAL RESOLUTION

- Title IX Coordinator provides notice to parties of:
  - Allegations of sexual harassment;
  - Requirements of the informal resolution process; and
  - Potential outcomes resulting from participating in the informal resolution process.

- Resolution is concluded only when all parties have signed a written agreement.
  - Agreement is non-revocable and non-appealable.

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REMOVAL/LEAVE

- A district is permitted to remove a Respondent from school on an emergency basis, provided the district:
  - Undertakes an **individualized safety and risk** analysis;
  - Determines an **immediate threat** to the physical health or safety of any person arising from the allegations justifies removal; and
  - Provides the Respondent with **notice and an opportunity** to challenge the decision immediately following the removal.

- A district is permitted to place an Employee-Respondent on administrative leave with pay during the pendency of its grievance process.

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PRESUMPTION OF NON-RESPONSIBILITY

- **An Important Principle**
  - At all times prior to a determination regarding responsibility by the decision-maker, the Respondent is presumed not responsible for the alleged conduct.

- **This Does NOT Mean**
  - ❌ The complaint lacks merit.
  - ❌ The complainant is not believed.

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RETALIATION IS PROHIBITED

Individuals may not be retaliated against because they:

- ✓ Filed a complaint
- ✓ Reported misconduct
- ✓ Participated in an investigation
- ✓ Served as a witness
- ✓ Declined to participate

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CURRENT LEGAL LANDSCAPE



- ✓ United States Supreme Court precedent
- ✓ Fourth Circuit precedent
- ✓ North Carolina statutes
- ✓ 2020 Title IX Regulations
- ✓ OCR guidance
- ✓ Board policy
- ✓ Advice of counsel

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COMMON OCR FINDINGS AGAINST SCHOOL DISTRICTS

OCR frequently identifies:

- ❌ Delayed responses
- ❌ Failure to notify the Title IX Coordinator
- ❌ Inadequate documentation
- ❌ Failure to offer supportive measures
- ❌ Poor communication with the parties
- ❌ Inconsistent application of policy

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COMMON LITIGATION MISTAKES

Mistake #1	Waiting to Report.
Mistake #2	Trying to Investigate Alone.
Mistake #3	Promising Confidentiality.
Mistake #4	Poor Documentation.
Mistake #5	Failing to Offer Supportive Measures.

TITLE IX TRAINING FOR TITLE IX PERSONNEL

- Annual training must be provided to Title IX Coordinators, investigators, decision-makers, and those involved in informal resolution.

- Training in the following topics is mandatory:
  - The definition of sexual harassment for Title IX purposes.
  - The scope of education programs and activities.
  - How to investigate.
  - The scope of the grievance process.
  - How to serve impartially.
  - Issues of relevance in creating investigation reports.

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COMPLIANCE REQUIREMENTS

All training materials must be posted on districts' websites.

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FINAL(FIRST SESSION) THOUGHTS

Title IX compliance is not about having all the answers.

It is about:

- Recognizing concerns,
- Responding promptly,
- Treating everyone fairly,
- Documenting carefully, and
- Following district policy.