

TAYLOR ANDREWS ACADEMY

TITLE IX PERSONNEL TRAINING MATERIALS

2020 Regulations Refresher • August 2026

For Title IX Coordinators, Investigators, Decision-Makers,
Appeal Decision-Makers, and Informal Resolution Facilitators

Institution	Taylor Andrews Academy
Training Basis	2020 Title IX regulations currently in effect
Training Date	
Trainer / Facilitator	

Public Training Material

This packet is designed to be the Academy-created material used for its internal Title IX personnel refresher. Keep the completed attendance/acknowledgment records with the Academy's Title IX records and post the training material itself on the Academy's Title IX webpage.

1. Training Purpose and Learning Objectives

This refresher is intended to train Taylor Andrews Academy personnel who perform Title IX functions under the 2020 federal regulations and the Academy's current Sexual Misconduct & Sexual Harassment Policy.

- Recognize conduct that may constitute sexual harassment under Title IX and distinguish it from conduct that may instead be handled under another Academy policy.
- Understand the scope of the Academy's education program or activity and the federal jurisdictional requirements.
- Understand the roles of the Title IX Coordinator, investigator, decision-maker, appeal decision-maker, advisor, and informal resolution facilitator.
- Apply the Academy's grievance process fairly and impartially without prejudgment, conflicts of interest, or bias.
- Understand supportive measures, formal complaints, dismissal, investigation, hearings, evidence, relevance, cross-examination, written determinations, appeals, informal resolution, retaliation, and recordkeeping.
- Apply the Academy's preponderance-of-the-evidence standard consistently.

2. Current Regulatory Framework

The U.S. Department of Education's 2024 Title IX regulations were vacated by a federal court on January 9, 2025. The Department states that the 2020 Title IX regulations remain in effect and are the basis for OCR enforcement. Taylor Andrews Academy therefore uses its policy based on the 2020 regulatory framework.

Important 2021 court change: the Academy must not use the former rule that prohibited a decision-maker from considering every statement made by a party or witness who does not submit to cross-examination. A decision-maker may consider relevant statements consistent with current law and Academy policy, and may not draw an inference about responsibility solely from a person's absence or refusal to answer questions.

3. Title IX: Core Prohibition

Title IX prohibits discrimination on the basis of sex in education programs or activities receiving federal financial assistance. Reports must be taken seriously, routed promptly, and handled under the procedure that applies to the alleged conduct.

4. Sexual Harassment Under the 2020 Title IX Framework

For purposes of the Academy's Title IX formal grievance process, sexual harassment includes conduct on the basis of sex that falls into one or more of the following categories:

Category	Training Summary
Quid pro quo	An Academy employee conditions an educational aid, benefit, or service on an individual's participation in unwelcome sexual conduct.
Hostile-environment sexual harassment	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 Academy's education program or activity.
Clery/VAWA offenses	Sexual assault, dating violence, domestic violence, or stalking as incorporated by the Title IX regulations.

A report can still require an Academy response even when the conduct does not meet the federal Title IX definition. The Title IX Coordinator should determine whether another Academy policy or complaint process applies and whether supportive measures are appropriate.

5. Jurisdiction and Preliminary Assessment

- Determine whether the alleged conduct occurred in an Academy education program or activity.
- Determine whether the alleged conduct occurred in the United States for purposes of the 2020 Title IX grievance framework.
- Determine whether the allegations, if proven, could meet the Title IX definition of sexual harassment.
- Do not make a credibility finding or decide whether the allegation is true during the threshold assessment.
- Consider applicable Utah or Michigan law separately when state-law reporting or other obligations may apply.

6. Reports, Formal Complaints, and Supportive Measures

A report and a formal complaint are not the same thing. A report puts the Academy on notice and triggers the Coordinator's response obligations. A formal complaint initiates the formal Title IX grievance process when the regulatory requirements are met.

- Promptly contact the complainant to discuss the availability of supportive measures.
- Consider the complainant's wishes regarding supportive measures.
- Explain the process for filing a formal complaint.
- Supportive measures must be non-disciplinary, non-punitive individualized services designed to restore or preserve equal access without unreasonably burdening the other party.
- Document the Academy's response and the supportive measures offered or the reasons they were not provided.

7. Required Fairness Principles

- Treat complainants and respondents equitably.
- Presume the respondent is not responsible unless and until a determination of responsibility is made at the conclusion of the grievance process.
- Objectively evaluate relevant inculpatory and exculpatory evidence.
- Do not make credibility determinations based on a person's status as complainant, respondent, or witness.
- Do not prejudice the facts.
- Avoid conflicts of interest and bias for or against complainants or respondents generally or an individual party.
- Apply the same preponderance-of-the-evidence standard required by Academy policy.
- Provide reasonably prompt time frames and written notice of permitted delays or extensions for good cause.

8. Roles and Separation of Duties

Role	Key Responsibilities
Title IX Coordinator	Receives reports; coordinates the response; discusses supportive measures; explains formal complaint options; oversees compliance and implementation. The Coordinator may also investigate if the Academy assigns that role, but may not be the decision-maker on responsibility.
Investigator	Gathers evidence fairly; interviews parties and witnesses; provides required evidence review opportunities; prepares the investigative report; does not decide responsibility.
Decision-Maker	Conducts/oversees the adjudicative function; makes relevance decisions at the live hearing; objectively evaluates relevant evidence; applies the preponderance standard; issues the written determination. Must not be the Coordinator or investigator.
Appeal Decision-Maker	Reviews an appeal under the permitted appeal grounds and must be different from the Coordinator, investigator, and original decision-maker.
Informal Resolution Facilitator	Facilitates a voluntary resolution process when permitted. Must be trained, impartial, and free from conflict or bias.

9. Written Notice and Investigation

- Provide written notice of the allegations and sufficient details before an initial interview with enough time to prepare.
- Give both parties equal opportunity to present witnesses and evidence.
- Do not restrict either party from discussing the allegations or gathering/presenting relevant evidence, subject to lawful privacy protections.
- Provide equal opportunity for an advisor of choice.
- Give the parties the required opportunity to inspect and review directly related evidence and respond before the investigative report is finalized.

- Prepare an investigative report that fairly summarizes relevant evidence and provide it for review before the hearing as required by the Academy policy.

10. Evidence, Relevance, and Rape-Shield Protections

Title IX personnel must distinguish relevant evidence from information that cannot properly be used. Relevance decisions must be made neutrally and consistently.

- Consider both inculpatory evidence (tending to support responsibility) and exculpatory evidence (tending against responsibility).
- Do not rely on information protected by a legally recognized privilege unless the person holding the privilege has voluntarily waived it as applicable.
- Questions and evidence about a complainant's sexual predisposition or prior sexual behavior are generally not relevant, subject to the limited exceptions stated in the Academy policy and regulations.
- Do not exclude evidence simply because it favors one party.
- Explain relevance decisions at the live hearing as required.

11. Live Hearing and Cross-Examination

- Postsecondary Title IX formal complaints are resolved through a live hearing under the Academy's 2020-rule process.
- Each party must have an advisor for the hearing. If a party does not have one, the Academy provides an advisor for the limited purpose required by the regulations.
- Cross-examination is conducted by the party's advisor, not personally by the party.
- The decision-maker determines whether a question is relevant before the party or witness answers and explains a decision to exclude a question as not relevant.
- The parties may be located in separate rooms with technology enabling participants to see and hear one another when the regulatory requirements are satisfied.
- Do not use the vacated 2020 provision that categorically barred consideration of all statements from a person who did not submit to cross-examination.
- Do not draw an inference regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer questions.

12. Determination Regarding Responsibility

The decision-maker—not the Title IX Coordinator or investigator—makes the determination regarding responsibility. The written determination should follow the Academy policy and include the required findings, rationale, result, sanctions/remedies information as applicable, and appeal information. Responsibility is determined using the Academy's preponderance-of-the-evidence standard.

13. Dismissal of a Formal Complaint

The Coordinator must apply the dismissal provisions in the Academy policy. Under the 2020 framework, a Title IX formal complaint must be dismissed from the federal Title IX grievance process when the allegations, even if proven, would not constitute Title IX sexual harassment; did not occur in the Academy's education program or activity; or did not occur against a person in the United States. Dismissal from Title IX does not necessarily mean the Academy takes no action—the conduct may be addressed under another applicable Academy policy.

The Academy policy also contains circumstances in which dismissal may be discretionary. Any dismissal must be documented and the parties must receive the notices and appeal rights required by policy.

14. Appeals

Both parties must be offered appeals on the grounds stated in the Academy policy. The appeal decision-maker must be impartial and must not be the original decision-maker, investigator, or Title IX Coordinator. Both parties must have an equal opportunity to submit a written statement, and the appeal outcome must be issued in writing with the rationale.

15. Informal Resolution

- Informal resolution is voluntary and may be used only when permitted by the Academy policy and Title IX regulations.
- Do not require a party to waive the formal grievance process as a condition of enrollment, employment, or another right.
- Obtain the required voluntary written consent after providing the required written notice.
- A party may withdraw from the informal process and resume the formal grievance process before an agreed resolution becomes final, as provided by policy.
- Do not offer informal resolution for allegations that an employee sexually harassed a student when prohibited by the 2020 regulations.

16. Retaliation

Retaliation is prohibited. No person may intimidate, threaten, coerce, or discriminate against an individual for reporting or complaining of sex discrimination, participating or refusing to participate in a Title IX process, or exercising rights protected by Title IX. Concerns about retaliation should be reported promptly to the Title IX Coordinator.

17. Recordkeeping and Public Training Materials

Under the 2020 regulations, the Academy maintains required Title IX records for seven years, including investigation/adjudication records, appeals, informal resolutions, response/supportive-measure documentation, and materials used to train Title IX personnel.

Because the Academy maintains a website, all materials actually used to train its Title IX Coordinator, investigators, decision-makers, and informal resolution facilitators must be publicly available on the Academy website. This packet may be posted as the Academy-created refresher material. If the Academy later uses third-party slides, handouts, videos, or other materials to train Title IX personnel, those materials also become part of the training-material posting obligation under the 2020 rule.

18. Practical Intake Decision Guide

Step	What to Do
1. Receive	Listen, document the report, avoid promising confidentiality, and route it promptly to the Title IX Coordinator.
2. Safety/support	Address emergency needs and discuss supportive measures. Emergency removal requires the individualized safety/risk analysis required by law and policy.
3. Screen jurisdiction	Education program/activity? United States? Could the alleged facts meet a Title IX sexual-harassment category?
4. Select process	If Title IX applies and a formal complaint is filed/signed as permitted, follow the formal grievance process. If Title IX does not apply, determine whether another Academy policy applies.
5. Protect fairness	No prejudgment. No retaliation. Maintain appropriate privacy. Keep the parties informed as required.
6. Document	Maintain the record of the report, response, supportive measures, process, outcome, and required notices.

19. Scenario Practice

Scenario A — Offensive comment

A student reports that another student made a sexual comment one time during class. The comment was inappropriate, but no additional facts are known. Training response: report it to the Coordinator; do not decide from the label alone that it is or is not Title IX. The Coordinator assesses the facts against the Title IX threshold and other Academy conduct policies and considers supportive measures.

Scenario B — Quid pro quo

A student says an instructor suggested the student would receive favorable treatment if the student went on a date with the instructor. Training response: immediately route to the Coordinator. Alleged employee quid pro quo is one of the Title IX sexual-harassment categories and requires prompt assessment and response.

Scenario C — Off-campus conduct

A student reports sexual misconduct by another student at a private off-campus gathering unrelated to the Academy. Training response: the Coordinator assesses whether the location/circumstances were part of an Academy education program or activity. Even if federal Title IX jurisdiction is not met, supportive measures and another Academy policy may still apply.

Scenario D — Witness skips hearing

A witness gave an interview but does not attend the live hearing. Training response: do not apply the old categorical rule that automatically excludes every prior statement solely because the witness did not submit to cross-examination. The decision-maker follows current law and Academy policy and does not draw an adverse inference solely from the absence.

20. Knowledge Check

1. What are the three categories of conduct that can constitute sexual harassment under the 2020 Title IX framework?

2. What is the difference between a report and a formal complaint?

3. Who may make the final determination regarding responsibility?

4. What standard of evidence does Taylor Andrews Academy use?

5. May the Title IX Coordinator also be the investigator?

6. May the Title IX Coordinator or investigator be the decision-maker regarding responsibility?

7. What should happen if alleged conduct does not meet the federal Title IX definition but may violate another Academy policy?

8. Who conducts cross-examination at the live hearing?

9. Can a decision-maker automatically disregard every prior statement from a witness solely because the witness does not submit to cross-examination?

10. How long are required Title IX records maintained under the 2020 rule?

Answer Key

1. Employee quid pro quo; severe, pervasive, and objectively offensive unwelcome conduct that effectively denies equal access; and sexual assault, dating violence, domestic violence, or stalking.

2. A report provides notice and triggers response obligations; a formal complaint initiates the formal grievance process when requirements are met.

3. A trained, impartial decision-maker who is not the Title IX Coordinator or investigator.

4. Preponderance of the evidence.

5. Yes, if assigned and free of conflict/bias.

6. No.

7. The Coordinator should assess it under other applicable Academy policies/processes and consider supportive measures.

8. The party's advisor.

9. No. That categorical exclusion provision was vacated; follow current law and Academy policy.

10. Seven years.

21. Training Attendance and Acknowledgment

I acknowledge that I received and reviewed Taylor Andrews Academy's 2026 Title IX Personnel Training Materials and the Academy's current Sexual Misconduct & Sexual Harassment Policy. I understand that I must perform any assigned Title IX role impartially, without prejudgment, conflict of interest, or bias, and must follow the Academy's current policy and applicable law.

Printed Name	Title IX Role	Signature	Date

22. Trainer Record

Trainer/Facilitator: _____

Training Date: _____

Training Format/Location: _____

Notes: _____

23. Sources Used to Prepare This Refresher

This Academy-created refresher was prepared from Taylor Andrews Academy's August 2026 Sexual Misconduct & Sexual Harassment Policy and current U.S. Department of Education/OCR materials concerning the 2020 Title IX regulations. It is an internal training aid and is not legal advice.

- U.S. Department of Education, Sex Discrimination: Overview of the Law (2020 regulations currently in effect after vacatur of the 2024 rule).
- U.S. Department of Education, 2020 Title IX regulations and OCR technical-assistance materials.
- U.S. Department of Education, Questions and Answers regarding the 2020 Title IX regulations, including the 2021 court decision affecting the non-cross-examined-statement provision.
- Taylor Andrews Academy, Sexual Misconduct & Sexual Harassment Policy, Updated August 2026.