

ABHE Annual Meeting 2026

Title IX In Practice

Upholding Compliance and Institutional Integrity

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If you walked away from this session with only one thing, what would you want that to be?



Rachel Campbell
Director of Title IX

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BIO

- 10 Years Experience in Title IX
- Certified Title IX Coordinator and Investigator
- Built Moody's Title IX Office
- Clinical Mental Health Counselor in training
- Trained Mediator through Cook County, IL
- Passion for mentoring and discipleship

Agenda

- Define what constitutes a Title IX violation
- Understand an overview of the formal grievance process
- Review key roles and responsibilities under Title IX
- Learn how to build a Title IX response framework that is compliant, fair, and mission aligned

This is not legal advice

This presentation is based on my professional experience

“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 U.S.C. § 1681 et seq.
Title IX of the Education Amendments of 1972

Biblical Foundations

Christian Community
John 13:34-35; Rom 12:9-10

Support
Gal 6:2, 9-10; 1 Thess 5:11

Evidence
Deut. 13:12-15; Acts 1:3;
1 Cor 15:5-7

Witness Questioning
Prov 18:17

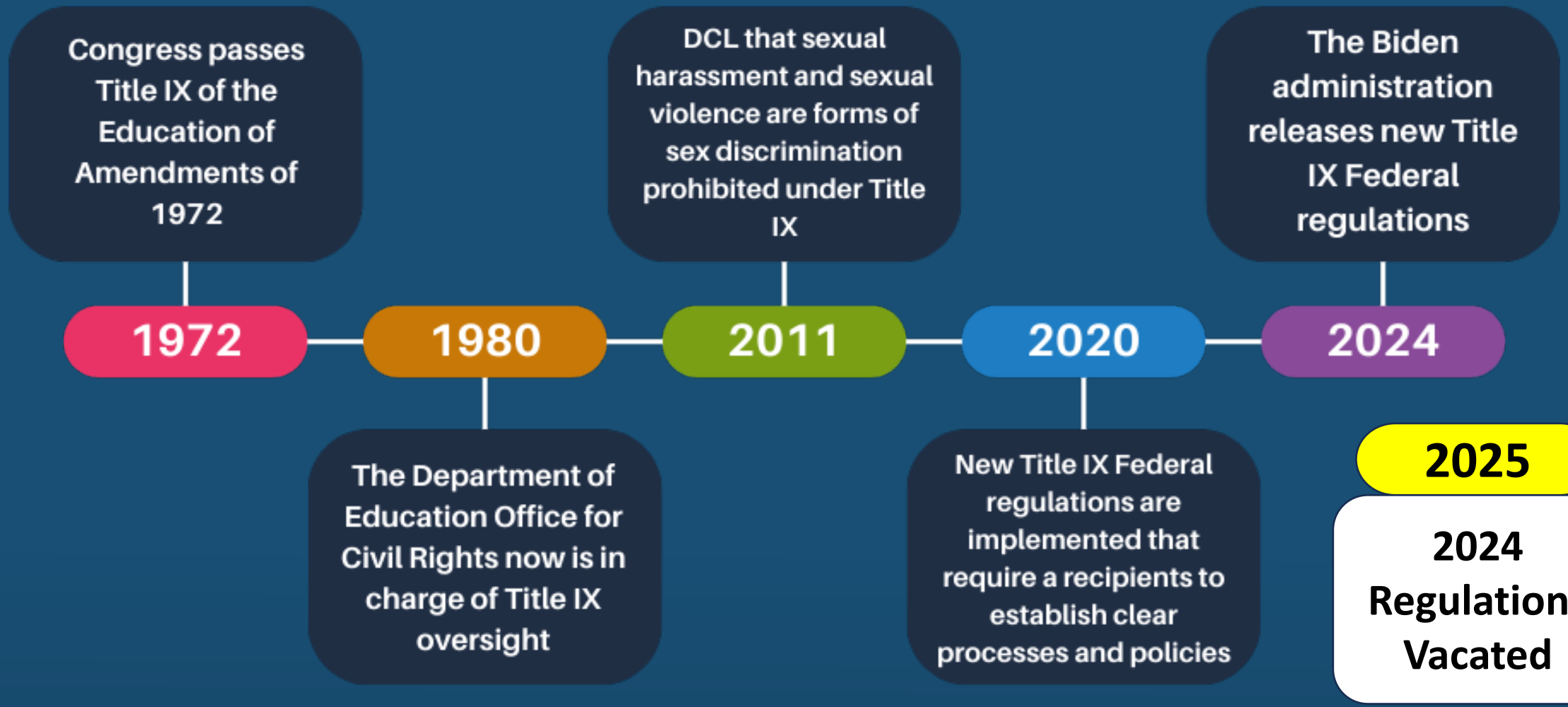
Impartiality
Lev 19:15; Deut 16:19

Punishment
Heb 12:7-8; Rev 3:19

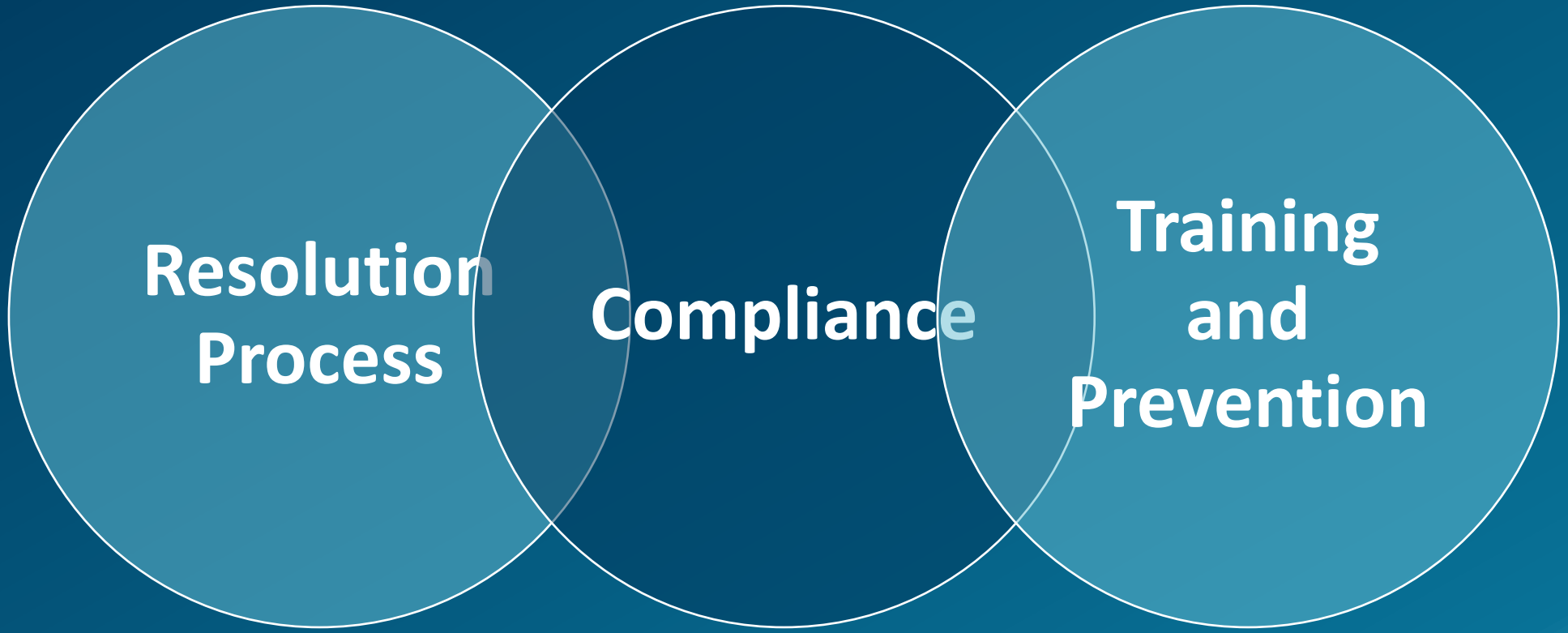
Restoration
2 Cor 2:5-7; 7:10

Human Sexuality
Gen 1:27; 2:24

HISTORY OF TITLE IX



The three components of Title IX



Related Laws

- Title VII
- Clery Act
- VAWA and the Campus SaVE Act
- State and Local Laws



Violations of Title IX Sex Discrimination

Schools violate Title IX (34 C.F.R. Part 106) and may be found responsible for sex discrimination if they:

- **Fail to respond promptly in a manner that is not deliberately indifferent**
- **Fail to designate a Title IX Coordinator, create a policy, or provide notice**
- **Mishandle the formal grievance process in accordance with the federal regulations and the school's individual policy**
- **Provide unequal treatment on the basis of sex**
- **Retaliation**
- **Fail to publish training materials or maintain required records**

"A recipient with actual knowledge of sexual harassment in an education program or activity of the recipient against a person in the United States, must respond promptly in a manner that is not deliberately indifferent. A recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances."

34 C.F.R. § 106.44(a)

Prompt Response

106.44

Actual Knowledge

- Officials with authority to institute corrective measures
- Can obligate other employees to report to those with authority to act

Reasonably prompt

- Not unnecessarily delayed
- Must promptly contact the complainant to inform of rights and options

Ensure Your Community Knows... 106.8/9

Schools must provide notice to all current and prospective community members of:

1. The designation of a Title IX Coordinator who can serve without conflict of interest or bias
2. The adoption and dissemination of a policy which
    1. Prohibits sex discrimination/sexual harassment
    2. Describes the grievance procedures for complaints of sexual harassment
    3. Includes instructions on how to file a complaint

Equitable Treatment

- Train your team on bias, and impartiality
- Without conflict of interest
- Offer the same support and resources to all parties
- Simultaneous communication



Follow Your Procedures

Do what your policy says you will do

Due process

Adhere to timelines

Provide sufficient notice to the parties

Show your work



Protection Against Retaliation 106.71

Train your community on what constitutes as retaliation

Determine how retaliation will be handled and by whom

Documentation Part 106.45(b)(10)

All materials used to train those who handle Title IX procedures must be posted publicly on the school's website

All investigative records must be maintained for at least seven years

- Final investigative reports
- Live Hearing recordings/transcripts
- Written Determinations
- Appeals – responses and decisions
- Communication with parties, witnesses, and advisors



Building Your Policy

Policy Requirements

- Policy Statement
- Scope
- Definitions of prohibited conduct
- Standard of evidence
- Campus and community resources
- Instructions on how to make a report and file a complaint
- Supportive measures – not punitive or burdensome
- Range of sanctions and remedies
- Resolution processes, procedures and timelines (including formal resolution, informal*, evidence review periods, and appeals)

Policy Statement

The policy should include a purpose section that explains the underlying reasons for the policy.

Be sure to highlight the religious mission of the school and the biblical truths and values that form the foundation for having a policy that protects students from sexual harassment and sexual violence.

Although compliance is a valid and important purpose, it should not be the central reasoning of this section.

Scope

- Activity occurring within the institution's programs and activities and within the U.S.

- Complainant must be participating or attempting to participate in educational programs or activities at the time of signing the formal complaint. (Part 106.30)

- How will your institute address conduct that falls outside of what is federally required?

- Will you need an amnesty clause?

Title IX and Title VII Sexual Harassment



Prohibited Conduct Defined

Quid pro Quo Sexual Harassment – an employee conditioning provisions, benefits, or service on an individual's participation in unwelcome sexual conduct

Hostile Environment Sexual Harassment – unwelcome conduct that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational programs or activities

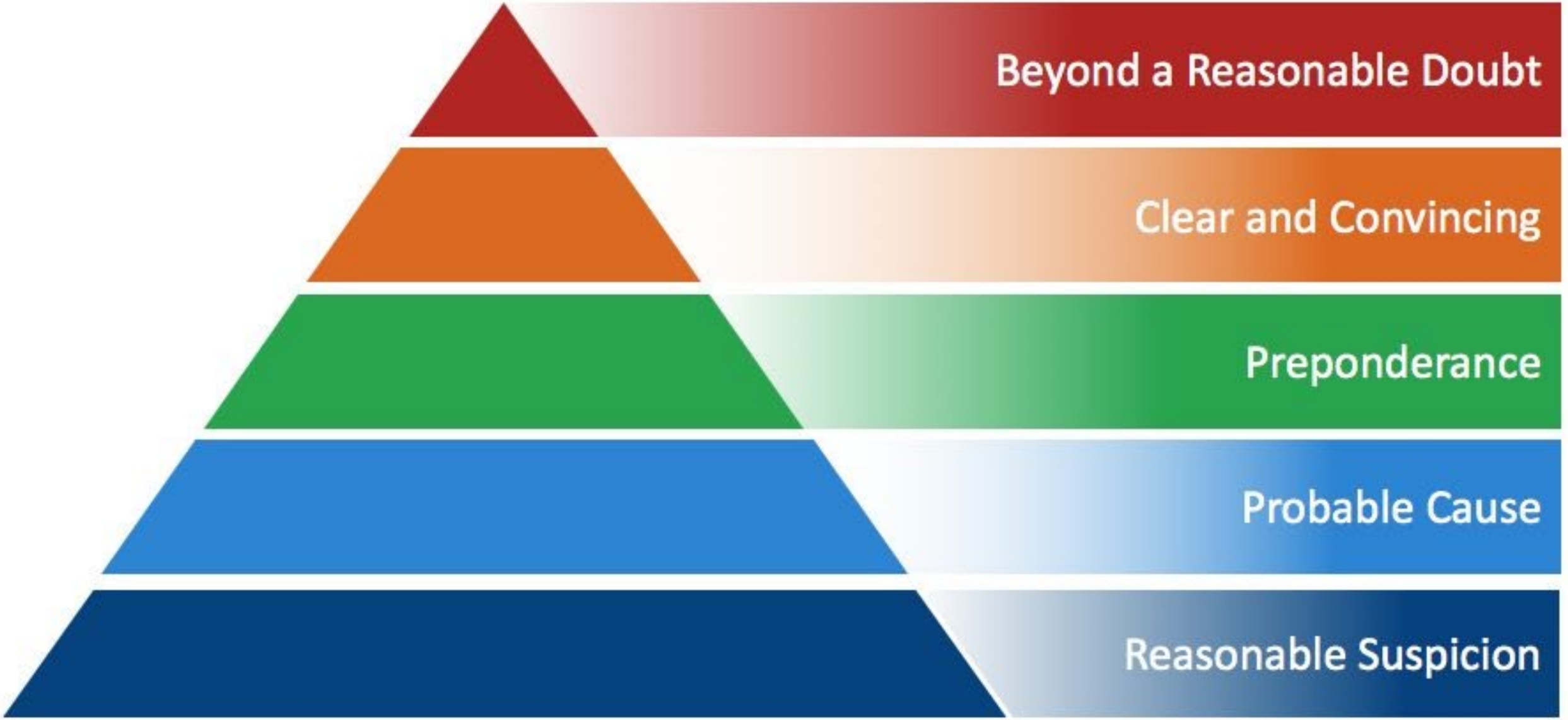
The Big 4 – as defined by NIBRS

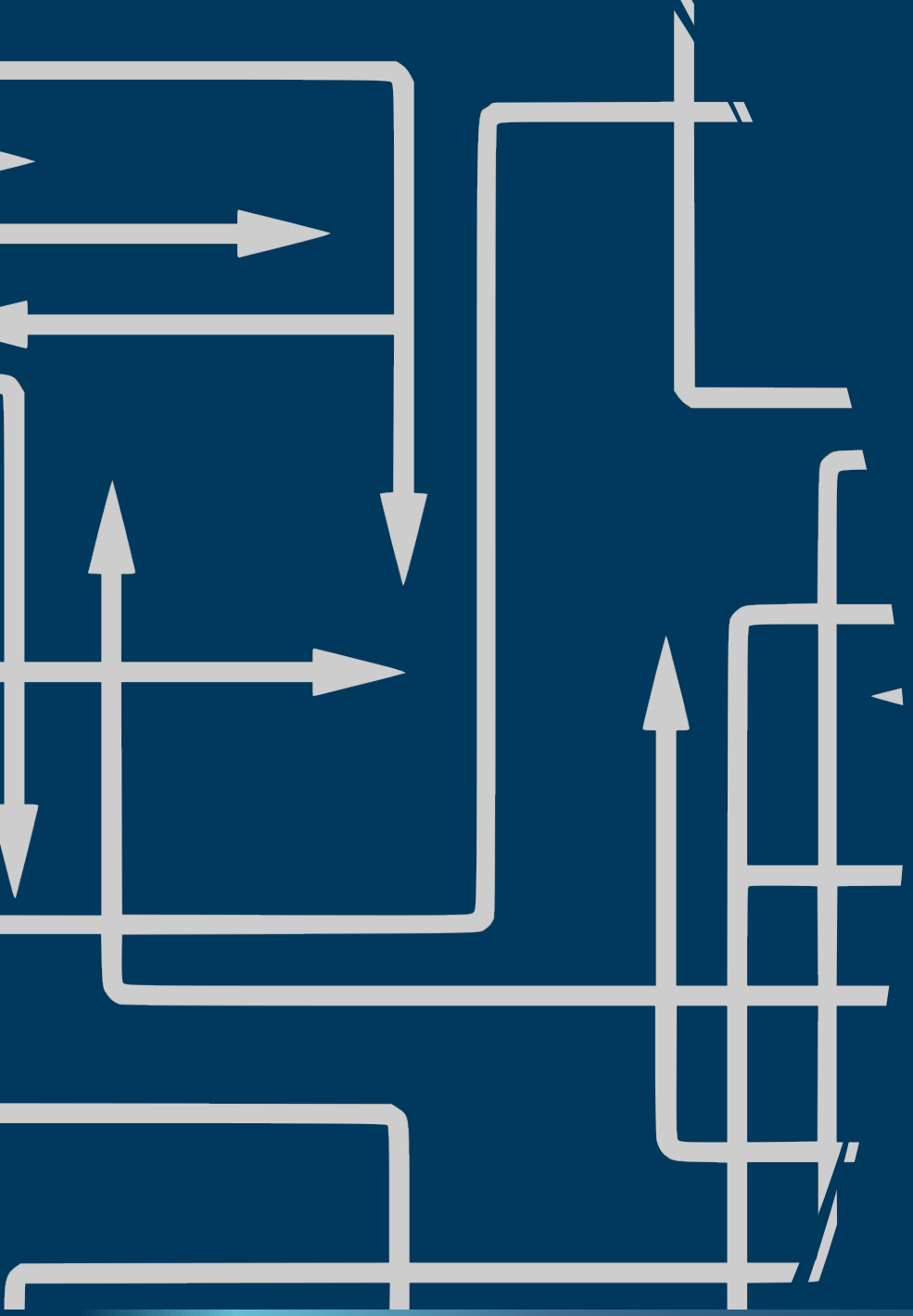
- **Updated definition of sexual assault as of July 2025 (now includes purposes of gratification, degradation, or humiliation)**

Confirm your state/local requirements (e.g. consent, sexual violence)

Standard of Evidence

- Preponderance or Clear and Convincing
- Must be applied to students and employees equally
- Must be applied to all Formal Complaints under Title IX
- Remember to check State law
- Preponderance = “more likely than not” or “50% and a feather”
- Clear and Convincing = “highly and substantially more probable to be true than not,” “firm belief or conviction, highly probable”


Beyond a Reasonable Doubt
Clear and Convincing
Preponderance
Probable Cause
Reasonable Suspicion



Overview of the Process

Regulated Procedures

- Receiving reports
- Offer of support
- Complaints
- Dismissals – mandatory or permissive
- Emergency removal
- Administrative Leave
- Notice of Allegations
- Formal investigation
- Evidence review
- Final report review
- Hearing
- Informal resolution permitted as an option
- Appeals and specific grounds
- Time frames

Title IX Case and Investigative Process



Reporting

- Employees with authority to institute corrective measures must report to TIXC (current regulations)
- Mandatory/Designated Reports
- Confidential Resources
- Anonymous Reporting
- Avenues to Report
  - Online, In-Person, Mail, Telephone, Email
  - Contact information for TIXC should be easily accessible in print, website, flyers, posters, etc.

Supportive Measures Meeting

- Always attempt contact with the Complainant
  - Remember the content and context of the report
- Must inform the Complainant about the availability of supportive measures whether or not a formal complaint is filed
- Consider the Complainant's wishes about supportive measures
- Explain the process of filing a formal complaint
- Meetings are voluntary
  - Just like everything else in Title IX

Supportive Measures Meeting

- Allow the Complainant to bring a support person
- Inform the Complainant of all rights and processes
- Encourage the Complainant to report crimes to the police
- Provide the Complainant with a copy of the Title IX policy
- This is NOT an investigative interview but still need enough information to provide appropriate support and to determine jurisdiction
- Have a plan to follow up with the Complainant

Emergency Removal

- Based on allegations – whether or not a grievance process is pending
- Removal of students and employees on an emergency basis
- The Institution must conduct an individualized safety and risk analysis
- “Immediate threat to the physical health or safety of any student or other individual arising from the allegations”
- Provide the Respondent with notice and the opportunity to challenge immediately following the removal

Other Emergency Removal Considerations

- In-Person meeting with the Respondent
- Housing and Safety plan for the Respondent
- Visa and immigration factors
- Collaborate with other departments (Student Life, Legal, Public Safety, Public Relations, Faculty)
- Emergency Removal may mean the TIXC files a complaint
- Document events and reasoning (Show your work)
- Have a process stated in your policy

Administrative Leave

- Not the same analysis as Emergency Removal
- Only applies to Non-Student Employees
- Administrative leave during the pendency of the grievance process (there must be a grievance process)
- Can be paid or unpaid
- Remember your Employee Handbook, Collective Bargaining Agreements, and state or local laws
- Document and show your work

Formal Complaint

- Written – delivered in person, electronically, or through mail
- Filed by the Complainant or signed by the TIXC
- Alleges sexual harassment
- Requests that the institution investigate
- Institutions must begin the grievance process
- Complainant must be participating or attempting to participate in education program or activity
- Able to consolidate

Dismissal of the Formal Complaint

- Mandatory dismissal:
  - Conduct, even if proved, would not be Title IX sexual harassment
  - Conduct did not occur within education program or activity
  - Conduct did not occur against a person in the United States
- Permissive dismissal:
  - The Complainant's wishes in writing
  - The Respondent is no longer enrolled or employed
  - Circumstances preventing the gathering of sufficient evidence

Dismissals

- Must notify the parties in writing simultaneously
- State the reasons for the dismissal
- Can apply to whole complaint or specific allegations
- May refer to other departments or policies as appropriate
- Must allow for appeals of the dismissal

Notice of Allegations

- Written and sent to both parties
- Describes the alleged policy violation and sufficient facts to allow for a meaningful response/defense
- Names of the parties (if known) – no anonymous complaints
- Date and location (if known) of the alleged incident
- Describes the grievance procedures (attach a copy of the entire policy)
- States the Respondent is presumed not responsible

Notice of Allegations

- Determination of responsibility is only made at the end
- Right to an advisor of their choice (may be an attorney)
- Right to inspect and review evidence
- Prohibition against false statements and false information
- Informal resolution options, if available
- Amend as needed in the future
- Other helpful inclusions
  - Name and contact information of the investigators
  - Retaliation provision

Evidence Collection

- Interviews – parties, witnesses, process, experts
- Internal Records – class schedules, surveillance videos, fob activity, police reports, emails, class assignments
- Public Information – social media posts, FOIA, news media
- Information from Individuals – text messages, private emails, pictures, audio recordings
- Be careful about certain kinds of evidence – child pornography
- Keep records of evidence requests and responses

Evidence Collection

- All relevant evidence – any tendency to make a fact in question more or less likely – inculpatory and exculpatory
- Directly related evidence
- Medical and mental health records – must have voluntary, written consent
- Privileged communications – attorneys, pastors, counselors
- Rape Shield – Prior sexual history of the Complainant is not relevant evidence, Except:
  - To prove that someone else is the perpetrator
  - To prove consent between the Respondent and Complainant

Investigative Interviews

- Provide adequate notice – written, date, time, location, participants, and purpose
- Consider using interview advisements
- Allow Advisors to be present
- Best practice is to have two investigators
- Prepare an interview outline beforehand
- Take notes – do not add opinions or extraneous observations

Evidence Review

- Prior to completing the investigative report:
  - Equal opportunity to inspect and review
  - Directly related evidence (including evidence the institution does not intend to rely on)
  - Inculpatory and exculpatory evidence
  - Electronic or hard copy to party and advisors
  - At least 10 days to submit a written response
  - Investigators must consider any response

Final Investigative Report

- The culmination of the investigation
- Fairly summarizes relevant evidence
- Use a template
- Send to each party and advisors
- At least 10 days before a Live Hearing
- Electronic or hard copy
- Review and written response

Final Investigative Report

- Who is the audience for the report?
- Allegations, relevant Policy sections, and background on the parties
- Factual and procedural timelines
- Analysis
  - Credibility – not a judgment on credibility but an analysis of the evidence pertaining to credibility
  - Disputed and undisputed facts
  - No conclusions on responsibility
  - Recommendations?

Recommended - Pre-Hearing Conference

Live Hearings

- They must be live but not required to be in person
- Must been recorded– audio/visual or transcript
- Party Advisors must be present and allowed to ask questions
  - Decorum
  - Directly, orally, and in real time
  - Including questions challenging credibility
- Only relevant questions are permitted
- Decision Maker must decide if a question is relevant or not relevant – must explain if excluding

Relevant Evidence and Questions

- Relevance – any tendency to make a fact in question more or less likely – inculpatory and exculpatory
- Medical and mental health records – must have voluntary, written consent
- Privileged communications – attorneys, pastors, counselors
- Rape Shield – Prior sexual history of the Complainant is not relevant evidence, Except:
  - To prove that someone else is the perpetrator
  - To prove consent between the Respondent and Complainant

Live Hearings

- No exclusionary rule
- No negative inference for not appearing
- Appearance is voluntary for parties and witnesses
- Attorneys are allowed to be Advisors
- Institutions have discretion
  - Opening or Closing statements
  - Objections
  - Redirect or Re-Cross examination
  - Decision Maker panels – unanimous or not

Written Determination

- Must be in writing
- Issued by the Decision Maker
- Written Determination must contain
  - The allegations
  - Procedural timeline beginning at the formal complaint
  - Findings of fact
  - Rationale/Analysis for the result as to each allegation
  - Sanctions and remedies imposed and rationale
  - Appeal procedures and bases

Written Determination

- Provided to the parties simultaneously
- The decision becomes final on:
  - Date of appeal decision, or
  - Date the appeal was due
- TIXC is responsible for remedies
- TIXC should dialog with the Decision Maker
- Incorporate other departments as needed
- Use templates
- Consider Impact or Mitigation statements

Sanctions

- Only allowed after a fair grievance process
- Must provide a rationale for the sanctions
- Sanctions should be listed in the Title IX Policy
- Must be proportionate to the violation
- Compare with past cases

Remedies

- Must provide a rationale for the remedies
- Available for the Complainant
- Designed to restore or preserve equal access to the EPA
- Like supportive measures, but, if finding of responsibility, can be disciplinary, punitive, and burdensome

Written Determination Sections

- Introduction
- Allegations
- Jurisdiction
- Policies
- Procedural Steps
- Findings of Fact
- Analysis
- Conclusion
- Sanctions and Remedies
- Appeal Procedures
- Retaliation

Title IX Appeal Bases

1. Procedural irregularity that affected the outcome of the case
2. New evidence not reasonably available at the time of the decision that could affect the outcome of the case
3. TIXC, investigator, or Decision Maker had a conflict of interest or bias that affected the outcome of the case (general or specific)
4. Any other basis as long as it offered to both parties – check State law

Identify Forms and Templates

- Notification of Report
- Summary of Supportive Measures/Intake Meeting
- Email Templates
- Formal Complaint
- Notice of Allegations
- Notice of Interview
- Notice of Investigative Report or Evidence
- Written Determination
- Appeal Decision

Will you offer Informal Resolution?

Informal Resolution

- Not permissible with an employee respondent and a student complainant

- Available after a formal complaint is signed

- Voluntary participation by both parties

- Can include mediation, facilitated dialogue, restorative practices, and other mutually agreed-upon solutions, including (but not required) admission of responsibility and sanctions as permitted by the institution

- Would be inappropriate as an option if there is a significant power imbalance, undue pressure on one side, or safety concerns

Why Offer Informal Resolution?

- Faster resolution

- Less adversarial

- Creative solutions - Enables customized, restorative outcomes that address specific needs and circumstances.

- Places the outcome in the hands of the parties – more ownership of their situation

- Can return to the formal investigation if an agreed upon resolution is not found

Title IX Roles

Title IX Office Team Players

Title IX Coordinator: provides oversight but not involved in investigative interviews; does not make final decision of outcome

Deputy Coordinator: delegate who fulfills any portion of the duties of the Title IX Coordinator

Title IX Investigators: unbiased, trained, interview/collect evidence, draft report; do not make final decision of outcome

Advisors: if a party does not have a support person or advisor throughout an investigation, the institute can provide one for them at any point, but it is required for the party to have one during a live hearing

Decision Maker(s): trained individuals who look over the report from investigators and make a final decision based on the institutes policy and procedures

Appeal Panel: if a party decides to appeal the final outcome, an appeal decision maker or panel will be formed to make the final decision

Informal Resolution Facilitator: mediates between the parties to help them find an agreed upon resolution

**No person participates in dual roles throughout the process*

Training Requirements and Best Practice Plans

Required Training Elements

Title IX

- Notify community of who the Title IX Coordinator is and how to contact
- Notify of the existence of the policy and school's prohibition of sexual harassment
- Train all Title IX personnel (must post all training on website)
  - How to conduct regulated grievance procedures
  - Definitions under "sexual harassment"
  - Scope of educational programs and activities
  - How to serve impartially without bias or conflict of interest
  - Technology used at the live hearing
  - Relevance of questions and evidence including what information is protected

Required Training Elements

Clery

- Train officials who conduct disciplinary proceedings
  - Annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking
  - How to conduct an investigation and hearing process that protects the safety of victims and promotes accountability

Required Training Elements

VAWA

- Train all new students and new employees
- Ongoing prevention and awareness campaigns for students and faculty
- Primary prevention and awareness programs that promote awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking
  - Prohibition statement
  - Definitions
  - Definition of consent
  - “Safe and positive” options for bystander intervention
  - Recognition of signs of abusive behavior and how to avoid potential attacks

Required Training Elements

State Law – Illinois Requirements

- Confidential Advisors – 40 hours of upfront training in issues related to sexual violence – 6 hours of annual training to maintain
- Adjudication Personnel – 8-10 hours of training in issues related to sexual violence, domestic violence, dating violence, and stalking and how to conduct the institution's complaint resolution procedure
- All employees who are involved in receiving reports and all enrolled students to receive trauma informed training on the policy, federal and state laws, role of the institution and other agencies, the "Big 4" under VAWA, consent, and the role drugs and alcohol can play
- Primary prevention and awareness program for all students who attend at least one on campus class
  - Definition of consent, inability to consent, and retaliation
  - Reporting options
  - Confidential resources
  - Available survivor services
  - Strategies for bystander intervention and risk reduction
  - Provide each student with a copy of the comprehensive policy, procedures, and related protocol
- Annual climate survey

Required Training Elements

Chicago law

- All employees must receive one hour of sexual harassment training and one hour of bystander intervention training
- All supervisors must receive one additional hour of sexual harassment training

Required Training Elements

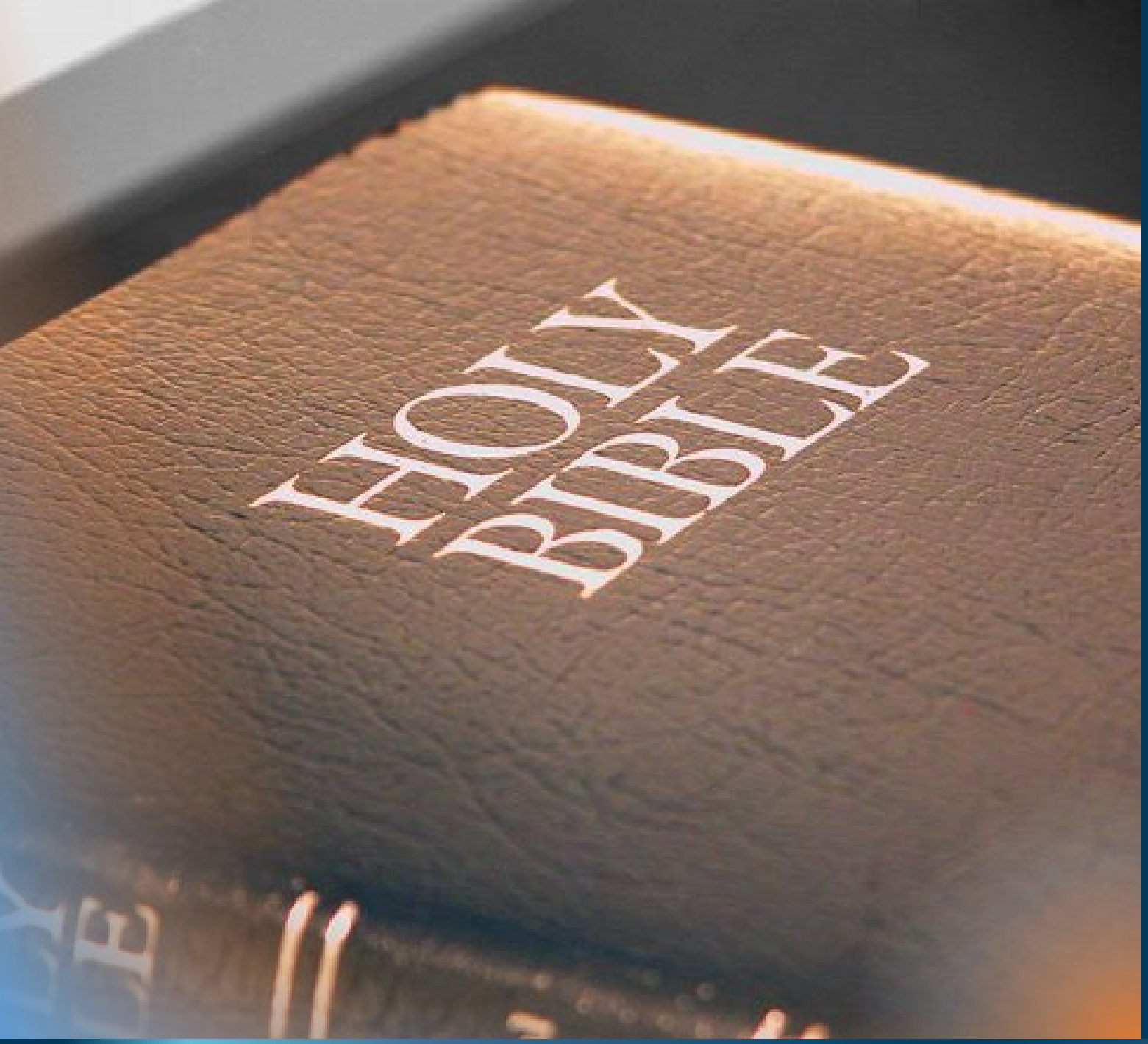
Best Practice

- Training your higher administration and board
- Orientation trainings
- New residential students
- Awareness campaigns
  - Day of Action
  - Lunch and Learn
  - Topical Workshops
  - Student Engagement Events
  - Educational Video Screenings
  - Incentives/Freebies/Prizes
  - Social Media Accounts

Required Training Elements

Moody's Training Schedule

Quarterly – 2 hours of Title IX personnel training
Each semester - Orientation
Each semester - New residential student training
Each fall - Annual reminder to all residential students of who we are and how to contact us
Each fall – specific student group trainings (i.e. RA's, student group leaders, athletics, music groups, etc.)
Each fall – faculty training
Each fall - Annual online training module for all students in all campuses and modalities
Each spring – Annual employee online training
Each spring - Annual awareness booth
Each spring – Annual climate survey
Every year – campus site visits and trainings
Available upon request – floor discussions, themed events, etc.



Religious Exemption Rights

20 U.S.C. 1681(a)(3) and 34 CFR 106.12

This section shall not apply to an educational institution which is controlled by a religious organization if the application of this subsection would not be consistent with the religious tenets of such organization

Religious Exemption Rights Part 106.12

34 CFR 106.12

- **Religious Exemption (claimed not applied for)**
- **Institutions can submit a request for assurance from OCR**
- **Institution must be controlled by a religious organization**
- **Cannot apply to the entirety of Title IX – individual sections or provisions**
- **Must explain how its religious beliefs conflict with the specific section or provision**

Religious Exemption Rights Part 106.12

34 CFR 106.12 – Controlled by a Religious Organization

- Institution is a school or department of divinity, or
- Faculty, students, or employees are required to be members of the controlling religious organization, or
- Explicit statements in official publications regarding being part of a religious organization, or
- Institution has a doctrinal statement that community members must affirm and adhere to, or
- Institutional mission statement that is based on religious beliefs, or
- Any other evidence to show the institution is controlled by a religious organization



Mission Alignment

- Start with your own personal walk with the Lord
- Represent Christ in your interactions
- Ground your processes and procedures in Biblical truth.
- Use consistent language and communication in your prevention training and process
- Model transparency and integrity

Mission Alignment

Be consistent with reporting obligations – don't sweep under the rug.

Be clear with who is obligated to report and who can keep things to themselves.

Institutional betrayal – the perception or sense that "the organization betrayed my trust or did not protect me as they should have."

Pastoral support can still occur in parallel to Title IX procedures, it cannot be a replacement of it.

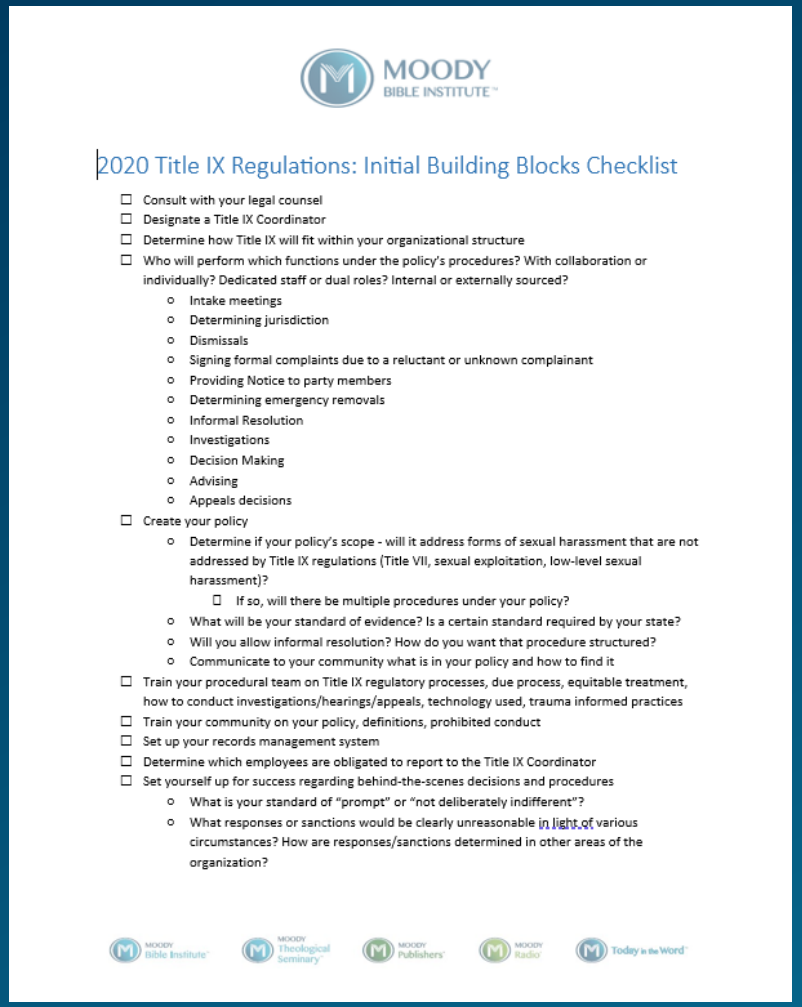
Mission Alignment

Empower leadership and community partners

Encourage administrators, faculty, and staff to view Title IX as an important expression of the school's mission

Create cross-campus partnerships that align compliance with holistic care

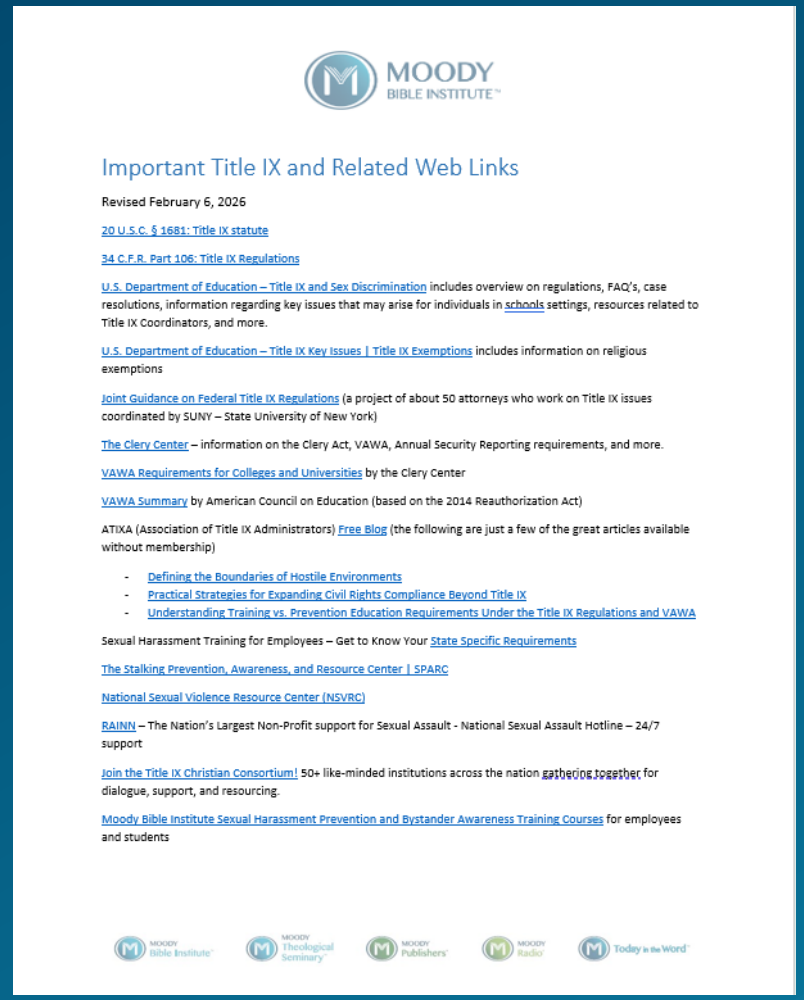
Shared Resources on the App



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2020 Title IX Regulations: Initial Building Blocks Checklist

- ☐ Consult with your legal counsel
- ☐ Designate a Title IX Coordinator
- ☐ Determine how Title IX will fit within your organizational structure
- ☐ Who will perform which functions under the policy's procedures? With collaboration or individually? Dedicated staff or dual roles? Internal or externally sourced?
  - Intake meetings
  - Determining jurisdiction
  - Dismissals
  - Signing formal complaints due to a reluctant or unknown complainant
  - Providing Notice to party members
  - Determining emergency removals
  - Informal Resolution
  - Investigations
  - Decision Making
  - Advising
  - Appeals decisions
- ☐ Create your policy
  - Determine if your policy's scope - will it address forms of sexual harassment that are not addressed by Title IX regulations (Title VII, sexual exploitation, low-level sexual harassment)?
    - ☐ If so, will there be multiple procedures under your policy?
  - What will be your standard of evidence? Is a certain standard required by your state?
  - Will you allow informal resolution? How do you want that procedure structured?
  - Communicate to your community what is in your policy and how to find it
- ☐ Train your procedural team on Title IX regulatory processes, due process, equitable treatment, how to conduct investigations/hearings/appeals, technology used, trauma informed practices
- ☐ Train your community on your policy, definitions, prohibited conduct
- ☐ Set up your records management system
- ☐ Determine which employees are obligated to report to the Title IX Coordinator
- ☐ Set yourself up for success regarding behind-the-scenes decisions and procedures
  - What is your standard of "prompt" or "not deliberately indifferent"?
  - What responses or sanctions would be clearly unreasonable in light of various circumstances? How are responses/sanctions determined in other areas of the organization?



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Important Title IX and Related Web Links

Revised February 6, 2026

20 U.S.C. § 1681: Title IX statute

34 C.F.R. Part 106: Title IX Regulations

U.S. Department of Education – Title IX and Sex Discrimination includes overview on regulations, FAQ's, case resolutions, information regarding key issues that may arise for individuals in schools settings, resources related to Title IX Coordinators, and more.

U.S. Department of Education – Title IX Key Issues | Title IX Exemptions includes information on religious exemptions

Joint Guidance on Federal Title IX Regulations (a project of about 50 attorneys who work on Title IX issues coordinated by SUNY – State University of New York)

The Clery Center – information on the Clery Act, VAWA, Annual Security Reporting requirements, and more.

VAWA Requirements for Colleges and Universities by the Clery Center

VAWA Summary by American Council on Education (based on the 2014 Reauthorization Act)

ATIXA (Association of Title IX Administrators) Free Blog (the following are just a few of the great articles available without membership)

- Defining the Boundaries of Hostile Environments
- Practical Strategies for Expanding Civil Rights Compliance Beyond Title IX
- Understanding Training vs. Prevention Education Requirements Under the Title IX Regulations and VAWA

Sexual Harassment Training for Employees – Get to Know Your State Specific Requirements

The Stalking Prevention, Awareness, and Resource Center | SPARC

National Sexual Violence Resource Center (NSVRC)

RAINN – The Nation's Largest Non-Profit support for Sexual Assault - National Sexual Assault Hotline – 24/7 support

Join the Title IX Christian Consortium! 50+ like-minded institutions across the nation gathering together for dialogue, support, and resourcing.

Moody Bible Institute Sexual Harassment Prevention and Bystander Awareness Training Courses for employees and students

“And it is my prayer that your love may abound more and more, with knowledge and all discernment, so that you may approve what is excellent, and so be pure and blameless for the day of Christ, filled with the fruit of righteousness that comes through Jesus Christ, to the glory and praise of God.”

Philippians 1:9-11