

# HUNTON

## Title IX Coordinator Training 2025-2026

---

**Brigid Harrington**, Senior Attorney



## Presenter Contacts



**Brigid Harrington, Senior Attorney**

Boston

+1 (617) 648-2754

[bharrington@hunton.com](mailto:bharrington@hunton.com)

# Agenda

## Part 1:

- Obligations under Title IX
- Obligations under MA law
- Recent federal guidance

## Part 2:

- Your institution's policies and procedures
- Concerns about bias
- Evaluating evidence

# Obligations Under Title IX

---

## 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.”

## Title IX Requirements

### Determined by:

- Federal courts
- Federal rulemaking
- Guidance
  - Does not have the force of law
  - Signals federal enforcement approach

# Title IX Enforcement

Private rights of action

Federal agencies

- Department of Education
- USDA
- Department of Health and Human Services
- Department of Justice

## Title IX – Compliance Basis

### Duty to prevent/prohibit/remediate sex-based discrimination in educational programs and activities

- Sex discrimination includes sexual harassment



### How to prevent/prohibit/remediate sex-based discrimination?

- Policies
- Training
- Responding to reports
- Investigation and adjudication of formal complaints
- Interim and remedial measures
- Community messaging
- Others?

## Applies to allegations of sexual harassment that occurred

- In the U.S.
- On campus
- In educational programs and activities

## Title IX – Sexual Harassment

Sexual assault

Dating/Domestic  
Violence

Stalking

Other sexual  
harassment that is  
severe, pervasive, and  
objectively offensive

## Requirements for:

- Reports vs. Formal Complaints
- Supportive Measures
- Investigations/evidence gathering
- Hearings

# Title IX Coordinator is a designated employee who coordinates TIX compliance

- Receives reports of discrimination and harassment under Title IX
- Coordinates the institution's response

## Title IX Rules – 34 CFR 106.30 et seq.

### Title IX Coordinator (or their designee):

- Receives reports and complaints of sexual harassment
- Coordinates supportive measures
- Determines dismissal
- May file Complaint if Complainant does not
- Implements remedies
- Keeps records
- Is unbiased
  - Toward complainants or respondents in general
  - Toward a particular Complainant or Respondent

## Title IX Rules – 34 CFR 106.30

### Title IX Coordinator may:

- Investigate complaints
- Facilitate an informal resolution

### Title IX Coordinator may not:

- Be the decision-maker in a Title IX hearing
- Determine appeals from Title IX hearings or dismissals

## Title IX Rules – 34 C.F.R. 106.30 et seq.

Complaints must be signed by Complainant or TIXC

Complainant is a person participating or attempting to participate in educational program or activity who is alleged to have experienced sexual harassment

Complaint is necessary to begin formal or informal resolution process



## When the TIXC Should File a Title IX Complaint

No regulatory requirements

Consider:

- Information available
- Risk of harm to community
- Wishes of the Complainant

# When the TIXC Should Dismiss a Complaint

## MUST dismiss:

- If conduct alleged would not constitute Title IX Sexual Harassment
- If conduct did not occur in the education program or activity, or in U.S.

## MAY dismiss:

- If Complainant notifies TIXC in writing that they would like to withdraw
- If Respondent is no longer enrolled or employed
- Specific circumstances prevent University from gathering evidence sufficient to reach a determination

Dismissed complaints may be referred to another process

# Hypothetical

---

You are the Title IX Coordinator at Stonybrook Institute of Technology (SIT).

On Monday morning, Kristy, the President of BSC sorority, shows up in your office and tells you that over the weekend she and several other sorority members were at an off-campus party where they believe they were drugged. Kristy describes to you that, after the party, she woke up in her on-campus dorm room naked and in bed with David Michael. She has no memory of what occurred, but she believes that the two had sex.

---

Kristy also shares with you that her sorority sisters MaryAnne, Claudia, and Stacey also have no memory of the night. Kristy reports that MaryAnne woke up in Logan's on-campus apartment and told Kristy that she believed that she and Logan had "hooked up."

**What are your  
next steps?**

## Hypothetical Part 2

---

You connect with David Michael who tells you that he's happy to meet with you, but he is no longer enrolled at SIT, as he has transferred to another institution. David Michael tells you that he was at the party, and that he saw Logan putting a powdered substance into the punch bowl before the members of BSC came over. David Michael agrees that he went to Kristy's room after the party, but says that they both fell asleep in her bed and did not engage in any sexual contact.

---

You connect with MaryAnne. MaryAnne describes that she did tell Kristy that she woke up in Logan's on-campus apartment, and that she believes they "hooked up." MaryAnne says that she does not wish to file a complaint, however, because Logan is a good friend of hers, they have "hooked up" before, and it's "not a big deal."

# Obligations Under MA Law

---

# Massachusetts Law – Protections Based on Gender Identity

M.G.L. c. 151B – protects discrimination on the basis of gender identity in employment

- This is consistent with the U.S. Supreme Court's decision in Bostock v. Clayton County

M.G.L. c. 272, § 92A – prohibits discrimination on the basis of gender identity in places of public accommodation; allows for use of bathrooms and sex-segregated facilities consistent with gender identity

# Massachusetts Campus Sexual Violence Act

## M.G.L. c. 168E s 6 – builds on TIX obligations

- “**Sexual misconduct**” – sexual violence, dating or domestic violence, gender-based violence, violence based on gender identity or sexual orientation, sexual assault, sexual harassment or stalking
- Applies **regardless** of where the incident occurred
- Coordination with Complainant and law enforcement
- Adjudication process must include equal access to evidence, advisors, appeal
- Trained confidential resource providers to support Complainants and Respondents
- MOU with police and, if not available on campus, crisis centers for sexual assault and/or DV

## Hypothetical Situation

---

You meet with Stacy, a member of SBC who attended the party that Kristy reported. Stacy indicates that she woke up naked and in bed with Charlie at his off-campus apartment. Stacy says that she's been struggling ever since and wants to talk to someone confidentially about her experience.

**What actions do  
you take?**



# Recent Federal Guidance

---

## Recent Federal Guidance – Gender Identity

### Executive Order, January 20, 2025: “Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government”

- “Sex” is an “immutable biological classification” and **does not** include “gender identity.”
- Sex is determined “at conception.”

### Definition reflected in resolution agreements with Columbia, Brown and DOJ guidance

- Requires options for bathrooms, locker rooms, and living areas separated by “sex” as defined by the federal government

## Recent Federal Guidance – Athletics

### Executive Order, February 5, 2025: “Keeping Men Out of Women’s Sports”

- Directs the Department of Ed to “protect all-female locker rooms” and “all-female athletic opportunities”
- Cites to definition of sex from January 20 Executive Order

NCAA rules changed and **do not** permit men to play in women’s competitions

# Questions?

---