

Annual Title IX Training

Delta College · 2026–2027

Required training for Title IX Coordinators, investigators, decision-makers, appeal decision-makers, and informal resolution facilitators.

Based on 34 CFR Part 106 — the 2020 Title IX Rule · Revised September 2026

What we'll cover today

Six topics, a walk through the process, three scenarios, and a short knowledge check.

1. Definition of sexual harassment

The 106.30 definition — not the everyday meaning of the words.

2. Scope of the education program or activity

Where Title IX reaches, and where it does not.

3. How to run the process

Investigations, hearings, appeals, and informal resolution.

4. Relevance of questions and evidence

Including what is off limits at a hearing.

5. Impartiality

Avoiding prejudgment, conflicts of interest, and bias.

6. Victim safety and accountability

Dating violence, domestic violence, sexual assault, and stalking.

Stop me as we go: Every one of these comes from a real fact pattern. If something is unclear here, it will be worse at 4:45 on a Friday.

Which rule applies right now

Train to the rule that is actually enforced — not the one in the headlines.

- 1 August 14, 2020 — the 2020 Rule takes effect**
Live hearings, cross-examination by advisors, the 106.30 definition of sexual harassment.
- 2 August 1, 2024 — the 2024 Rule takes effect briefly**
Broader definition, no required live hearing, single-investigator model permitted.
- 3 January 9, 2025 — the 2024 Rule is vacated nationwide**
Tennessee v. Cardona. The Department states the 2024 regulations are not effective in any jurisdiction.
- 4 Today — the 2020 Rule governs**
Everything in this training, and in our catalog, is written to the 2020 Rule.

If you have read about the 2024 rule: Set it aside. Live hearings and cross-examination by advisors are still required here, and the definition is still the narrower one.

The roles in a Title IX case

Who does what — and, on the next slide, who may not do two of these in the same case.

Title IX Coordinator

Receives reports, offers supportive measures, may sign a formal complaint, oversees the whole process.

Investigator

Gathers evidence, writes the investigative report. Extra training on relevance in report-writing.

Decision-maker

Runs the live hearing and issues the determination. Extra training on hearing technology and relevance rulings.

Appeal decision-maker

Decides appeals. Must be someone different from the Coordinator, investigator, and hearing decision-maker.

Informal resolution facilitator

Facilitates voluntary resolution without a determination.

Campus Security Authority

A separate Clery role: classifies and reports crimes for the statistics. Most of you hold this hat too.

Delta College's Title IX Coordinators

Each Campus Director is the Title IX Coordinator for that campus. Reports may be made to any Coordinator.

Baton Rouge North

Campus Director
7380 Exchange Place
Baton Rouge, LA 70806

Delta College South

Campus Director
10525 Plaza Americana Dr.
Baton Rouge, LA 70816

Lafayette

Campus Director
200 Republic Ave., Suite I
Lafayette, LA 70508

Covington

Campus Director
19231 N. 6th Street
Covington, LA 70433

Delta College West

Campus Director
2948 Ryan Street
Lake Charles, LA 70601

Corporate Office

Dr. Christian Vigè, Provost
7295 Exchange Place
Baton Rouge, LA 70806

All Coordinators: titleIX@deltacollege.com • Corporate Office (225) 928-7770 • Emergency: 911

One case, three different people

This is the single easiest way for a small campus to lose a Title IX case.

Required separation

- The decision-maker cannot be the Title IX Coordinator or the investigator — 106.45(b)(7)(i).
- The appeal decision-maker must be different again — 106.45(b)(8)(iii)(B).
- Where expulsion or termination is involved, the President or a designee decides the appeal.
- If the Coordinator signed the formal complaint, the Coordinator is still not a party — but watch hard for the appearance of prejudgment.

What to do when the bench is thin

- Borrow a trained decision-maker from another campus. Geography is not a conflict.
- Use a Corporate Office official who has had this training.
- Decide the assignment in writing, at the start, before anyone has heard the facts.
- Never let one person investigate and then decide. The 2020 Rule does not permit the single-investigator model.

Ask yourself: If I had to defend this assignment in a deposition, does it look impartial on paper?

TOPIC 1

What counts as sexual harassment

The 106.30 definition is narrower than the everyday meaning of the words — and getting it wrong cuts both ways.

The three prongs — 34 CFR 106.30

Conduct on the basis of sex that satisfies any one of these three.

1

Quid pro quo

An employee conditions a College aid, benefit, or service on someone's participation in unwelcome sexual conduct. One instance is enough. No severity test.

2

Hostile environment

Unwelcome conduct that a reasonable person would find so severe, pervasive, AND objectively offensive that it effectively denies a person equal access to the College's program or activity.

3

The four VAWA offenses

Sexual assault, dating violence, domestic violence, or stalking, as federally defined. These are harassment per se — no severity analysis.

The word is "and": Prong 2 requires all three of severe, pervasive, and objectively offensive. A single offensive remark almost never clears it.

The four VAWA offenses

Federal definitions — 34 CFR 668.46(a) and 34 U.S.C. 12291(a). These drive both policy and Clery statistics.

Sexual assault

Rape, fondling, incest, or statutory rape, as used in the FBI's Uniform Crime Reporting program.

Dating violence

Violence by someone who is or has been in a social relationship of a romantic or intimate nature with the victim.

Domestic violence

A felony or misdemeanor crime of violence by a spouse, intimate partner, cohabitant, co-parent, or similarly situated person.

Stalking

A course of conduct — two or more acts — directed at a specific person that would cause a reasonable person to fear for safety or suffer substantial emotional distress.

Two jobs, one report: The same incident may be a Title IX matter and a Clery-reportable crime. Handling it under Title IX does not satisfy the Clery obligation.

Louisiana definitions

The Clery Act requires us to publish the definitions that apply in our jurisdiction. All six campuses are in Louisiana.

Rape • Sexual battery

La. R.S. 14:41(A); 14:43.1(A)

Dating violence

La. R.S. 46:2151(C); battery of a dating partner, 14:34.9(A)

Domestic abuse

La. R.S. 46:2132(3); domestic abuse battery, 14:35.3(A)

Stalking

La. R.S. 14:40.2(A), with “harassing” and “pattern of conduct” defined at 14:40.2(C)

Consent

No statutory definition. Louisiana instead lists circumstances where there is no lawful consent — 14:42(A), 14:43(A)

Hazing

La. R.S. 14:40.8 — a separate policy, but the College must report every hazing report to law enforcement

Which definition governs? State law tells students what is a crime. The College’s policy definitions govern the College’s own disciplinary process.

TOPIC 2

Scope — where Title IX reaches

Education program or activity, against a person in the United States. Conduct outside that scope still matters — it just travels a different road.

“Education program or activity”

Two things must be true at once — 34 CFR 106.44(a).

Inside scope

- Any campus location, during or outside business hours.
- College-sponsored events, on or off campus.
- College online platforms — Canvas, Student First, College email.
- Externship and clinical placements, where the College exercises substantial control over both the respondent and the context.
- The respondent must be someone the College controls — a student or employee.

Outside scope — but not ignored

- Conduct outside the United States, including study or travel abroad.
- Purely private conduct with no College nexus.
- A respondent who is neither a student nor an employee.
- These must be dismissed under Title IX — 106.45(b)(3)(i) — but may still be addressed under Student Conduct, Termination, or employee policies.

Dismissal is not a verdict: A Title IX dismissal says the wrong forum, not that nothing happened. Say so plainly in the notice, and hand the matter on.

TOPIC 3

Report vs. formal complaint

Two different things, with two different consequences. Confusing them is the most common procedural error at this stage.

A report is not a complaint

A REPORT

- Anyone may make one — the complainant, a friend, a parent, an instructor, a bystander.
- Any time, by any method: in person, phone, mail, email, outside business hours.
- Triggers our duty to respond: contact the complainant, offer supportive measures, explain how to file a formal complaint.
- Does not, by itself, start an investigation.

A FORMAL COMPLAINT

- Only the complainant may file one — 106.30.
- Must be a document signed by the complainant, or an electronic submission.
- Starts the grievance process and the clock.
- The Coordinator may sign one without the complainant, but only where necessary — for example, a pattern or a continuing risk to the community.

Never say this: “You have to file a complaint.” The complainant decides. Our job is to make the choice informed, and to document that we offered.

Supportive measures and emergency removal

Available from the moment of the report — with or without a formal complaint.

1

Supportive measures are free, individualized, and non-punitive

Schedule changes, class or clinical reassignment, no-contact directives, counseling referrals, extensions, increased monitoring. They may not unreasonably burden the other party.

2

Offer them to both parties

Supportive measures are not a finding and not a sanction. The respondent is entitled to them too, and offering them says nothing about responsibility.

3

Keep them confidential, and document them

Share only with those who need to know to implement them. Record what was offered, what was accepted, and what was declined — 106.45(b)(10).

4

Emergency removal is a high bar

Only after an individualized safety and risk analysis showing an immediate threat to physical health or safety. The respondent may challenge it immediately. Employees may instead be placed on administrative leave.

TOPIC 4

Running the grievance process

Ten steps, four time frames. The same process is drawn as a flowchart in the catalog — this is the narrated version.

The process at a glance

Matches the Title IX Formal Resolution Process Flowchart in the catalog.



These time frames are ours: They are published in the catalog, so they bind us. Any extension needs good cause and written notice of the reason to both parties at the same time.

Dismissal — mandatory and discretionary

34 CFR 106.45(b)(3). Both kinds require written notice to both parties at the same time, and both are appealable.

MUST dismiss under Title IX

- The conduct alleged would not be Title IX sexual harassment even if every word were proved.
- It did not occur in the College's education program or activity.
- It did not occur against a person in the United States.

MAY dismiss

- The complainant withdraws the complaint, or part of it, in writing.
- The respondent is no longer enrolled or employed.
- Specific circumstances prevent gathering evidence sufficient to reach a determination.

Mandatory dismissal is not the end: The College may — and usually should — take the matter up under Student Conduct, Termination, or employee policies. Say that in the notice.

Investigation — steps 5 and 6

The burden of proof and of gathering evidence is on the College. Never on the parties. 106.45(b)(5).

1

Equal opportunity, both sides

Each party may present fact and expert witnesses and any inculpatory or exculpatory evidence. The College gathers it — the parties are not required to prove their own case.

2

Advisor of choice, and written notice of every meeting

An advisor of the party's choice, who may be an attorney, at any meeting. Notice gives date, time, participants, and purpose, with time to prepare.

3

Evidence review — at least 10 days

Send all evidence directly related to the allegations to both parties and their advisors, in a reviewable format, with at least 10 days to respond in writing.

4

The report — at least 10 days before the hearing

It summarizes the relevant evidence. Mind the distinction: evidence review covers “directly related”; the report covers “relevant.”

Do not gag the parties: The College may not restrict either party from discussing the allegations or gathering evidence. 34 CFR 106.45(b)(5)(iii).

The live hearing — step 7

Required for postsecondary institutions under the 2020 Rule. 106.45(b)(6)(i).

Advisors ask the questions

Cross-examination is conducted by each party's advisor, orally and in real time. A party may never question the other party directly.

The College supplies an advisor

If a party has no advisor, the College provides one free of charge, of the College's choice, to conduct cross-examination.

Relevance ruled before the answer

The decision-maker must say whether each question is relevant, and explain any decision to exclude it, before the party answers.

Separate rooms on request

Either party may request to be in a separate room with technology allowing simultaneous participation. Virtual hearings are permitted.

Recorded or transcribed

Make an audio or audiovisual recording or a transcript, and make it available to the parties for review.

Refusal to answer

The decision-maker may not draw an inference about responsibility from a party's or witness's refusal to answer questions.

TOPIC 5

Relevance — questions and evidence

The decision-maker rules on every question. Three categories are off limits no matter how relevant they seem.

What is relevant — and what is off limits

34 CFR 106.45(b)(1)(iii), (b)(5)(i), (b)(6)(i).

Relevant

- Evidence that makes a fact of consequence more or less likely.
- Both inculpatory and exculpatory evidence, weighed the same way.
- Credibility questions — but not ones resting on sex stereotypes.
- Evidence of the respondent's prior conduct only where it bears on a fact at issue, not on character.

Off limits

- The complainant's prior sexual behavior or predisposition. Two exceptions only: to prove someone else committed the conduct, or prior incidents with the respondent offered on consent.
- Privileged information — attorney-client, doctor-patient, clergy — unless the holder waives it.
- Medical, psychological, or treatment records, without the party's voluntary written consent.

Say it out loud: Rule on relevance before the answer, in plain words, and give the reason. “Not relevant — that goes to prior sexual history.”

Determination and sanctions — step 8

Preponderance of the evidence: more likely than not. Applied the same way to students and employees.

1

What the written determination must contain

The allegations; procedural steps taken; findings of fact; conclusions applying the policy to the facts; the rationale for each allegation; any sanctions; and whether remedies go to the complainant.

2

Issued to both parties at the same time

Along with the appeal procedures and the deadline to file. Simultaneous delivery — never one party first, and never a summary to one and the full determination to the other.

3

Student sanctions

Written warning, disciplinary probation, required education, no-contact directive, loss of privileges, removal from a course or placement, suspension, termination.

4

Employee sanctions

Written warning, required training, reassignment, suspension, termination of employment. Coordinate with whoever handles employment before anything is issued.

Remedies are not sanctions: Remedies restore the complainant's access to education. They may continue after the respondent is gone.

Appeals and informal resolution — steps 9 and 4

APPEALS — both parties, every time

- Grounds: procedural irregularity; new evidence not reasonably available at the time; conflict of interest or bias by the Coordinator, investigator, or decision-maker; or a substantially disproportionate sanction.
- Filed within 10 school business days.
- The other party is notified and may submit a written statement.
- A different trained decision-maker decides. For expulsion or termination, the President or designee.
- Written decision to both parties simultaneously.

INFORMAL RESOLUTION — never by default

- Only after a formal complaint has been filed.
- Requires both parties' voluntary, written, informed consent.
- Either party may withdraw and return to the full process any time before an agreement is signed.
- Never available when an employee is accused of harassing a student — 106.45(b)(9)(iii).
- No determination of responsibility is made.

TOPIC 6

Serving impartially

Bias is the ground parties raise most often on appeal, and the hardest to rebut after the fact. The defense is built before the case starts.

Impartiality in practice

34 CFR 106.45(b)(1)(iii) — no prejudgment of the facts, no conflicts of interest, no bias for or against complainants or respondents.

1 Presume the respondent is not responsible
Until a determination is made at the end of the process. Say so in the written notice of allegations.

2 No sex stereotypes, in either direction
Not about how a “real victim” behaves, and not about what men or women are likely to do.

3 Conflicts are structural, not just personal
Supervising a party, teaching them, a family or financial tie, prior involvement in the same facts — any of these means recuse.

4 Prejudgment includes what you say off the record
A hallway remark about a case can become an appeal ground. Assume everything is discoverable.

5 Recuse early and in writing
Raise it with the Coordinator — or, if the Coordinator has the conflict, with the Provost. Late recusal costs the whole process.

Retaliation

34 CFR 106.71. This obligation runs to everyone — parties, witnesses, and the officials who handled the case.

What is prohibited

Intimidation, threats, coercion, or discrimination against anyone for reporting or participating in a Title IX proceeding.

The charge-stacking trap

Bringing unrelated code-of-conduct charges against a party for the purpose of interfering with a Title IX right is itself retaliation.

Who it protects

Complainants, respondents, witnesses, advisors, and anyone who declines to participate. A respondent can be retaliated against too.

How complaints are handled

Report retaliation to the Title IX Coordinator. It is resolved under the College's Complaint Procedure, not the Title IX grievance process.

Watch the small things: A schedule change, a clinical reassignment, or a sudden grading dispute after a report is filed all deserve a second look.

Records — keep everything for seven years

34 CFR 106.45(b)(10). *The catalog commits us to this; an audit will test it.*

Each investigation

Determination, any disciplinary sanctions, and any remedies provided to the complainant.

Hearing materials

Any recording or transcript of the live hearing.

Appeals

The appeal, any statements, and its result.

Informal resolutions

Any informal resolution and its result.

Every report, even with no complaint

Measures offered, measures declined, and the basis for concluding our response was not deliberately indifferent.

Notices and correspondence

The notice of allegations, meeting notices, and every written notice sent to the parties.

Write for a stranger: Assume every document in the file will be read, years later, by someone who was not in the room and is not on your side.

Work these through

Twenty minutes, small groups. There is a defensible answer to each — and a common wrong one.

1. The instructor's report

An instructor tells the Campus Director that a student mentioned being assaulted by a classmate off campus, at a party. The student has not come forward.

What do we owe her? Can we investigate?

2. The externship site

A student reports that a supervisor at her clinical site made repeated sexual comments. The site is owned by the hospital.

Is this in our program or activity? What do we do either way?

3. The thin bench

A formal complaint names a student at a campus where the Campus Director already interviewed both parties informally.

Who investigates? Who decides? Who hears the appeal?

Knowledge check

Answer these before you sign the attestation.

- Prong 2 of the sexual-harassment definition requires conduct to be severe, pervasive, and objectively offensive — or any one of the three?
- Who may file a formal complaint? When may the Title IX Coordinator sign one instead?
- Name two things that must be true for conduct to fall inside the College's education program or activity.
- How long do parties get to review the evidence? To review the investigative report before the hearing?
- Who conducts cross-examination at the live hearing — and what happens if a party has no advisor?
- Name the two exceptions that allow questions about a complainant's prior sexual behavior.
- Can the decision-maker infer responsibility from a respondent's refusal to answer questions?
- Who decides an appeal where the sanction is expulsion or termination?
- How long must Title IX records be kept?

Before you leave

1

Sign the attendance and attestation sheet

It is how we record that you completed this year's training.

2

Know where the policy lives

Full Title IX policy, definitions, and the process flowchart are in your campus catalog.

3

Pre-assign your roster

Before you have a case: who investigates, who decides, who hears the appeal at your campus.

4

When in doubt, call

Dr. Christian Vigè, Provost and Corporate Title IX Coordinator — (225) 928-7770.