

INVESTIGATOR TRAINING SUMMER 2022

Garland ISD
July 19, 2022
Morning Session

Thompson & Horton LLP
Dallas, Texas

© Thompson & Horton LLP February 2022. Marketing materials. Not legal advice.



Presented by
Jackie Gharapour Wernz
Partner

**Thompson
& Horton** LLP
ATTORNEYS | COUNSELORS

GISD TIX Coordinator



Dr. Susanna Russell
Chief Leadership and
Academic Officer

501 South Jupiter Road
Garland, TX 75046-9026

972-487-3017

srussell@garlandisd.net

**Thompson
& Horton** LLP

ATTORNEYS | COUNSELORS

Report of Misconduct

- ▶ You have been assigned to investigate a Title IX formal complaint (Case No. 2022-001) involving students Carson C. and Robin R.
- ▶ Carson's friend reported that Robin touched Carson inappropriately, including touching private body parts through the clothing, and badgered Carson to engage in sex



9 for IX

1. Familiarization with the file
 2. Verification of impartiality
 3. Introduction to parties
-




9 for IX

4. Interaction with law enforcement and preservation of evidence
 5. Investigation Plan
 6. Collection of evidence (interviews and tangible evidence)
-



9 for IX

- 
7. Compiling and sharing “directly related evidence” (with 10 days for response)
 8. Drafting, finalizing (after responses to DRE) and sharing investigation report (with 10 days for response)
 9. Finalizing and transmitting investigation file to Title IX Coordinator
-

Investigation Roadblocks



- ▶ Coordinating schedules
- ▶ Uncooperative parties and witnesses
- ▶ Meddling advisors
- ▶ Delays/managing timeframes



THE FILE

1. Familiarization with the file

- ▶ Review all material provided by the Title IX Coordinator
- ▶ Create a checklist to ensure all steps are met and to document compliance
 - T&H Guidebook Checklist B – Title IX Investigation Checklist

On August 22, 2022, Francis F. requested to speak with me after school about a person on the class. Francis claimed they were concerned about the person's well-being. Francis reported to me that this person had experienced sexual assault, and they told me that this student had reported the assault to them. They mentioned that this assault did happen on campus, but they did not specify where or when it happened, or if it was a singular or a repeated occurrence. They did not name the student to me, but I did ask them if the student was currently in danger. They said no, but they did describe specific symptoms of anxiety evidence in the student: child-like behaviors and flinching at personal touch. They also stated to me that the person was previously in a relationship with the alleged perpetrator. I told them I believe I might know who the student might be given the context they provided to me. At that point, they confirmed that they were talking about Carson C., a student in my English class. I told Francis that the best thing to do in this situation was to report it and I was proud of them for coming to me. I told them they could speak to the social counselor if they wanted to because I could imagine this was difficult for them. I told them that I would be reporting the conduct to my supervisor and we would figure out how to handle it moving forward. I reported the conduct to Principal Patterson, and together we called the Title IX Coordinator.

*Notes from Teacher Thompson
August 22, 2022*

From: Principal Patterson
To: Title IX Coordinator
Subject: Statement (Confidential)
Date: Monday, August 22, 2022 3:23:08 PM

Re: Statement Allegations of Sexual Assault

On Monday, August 22, 2022 at approximately 1:30 p.m., Teacher Thompson reported to me that a sixth grade student, Francis Friend, reported concerns of sexual assault against a peer, Carson Complainant (6th grade) The student reported that another student, Robin Respondent (6th grade), has inappropriately touched Carson in private areas and would repeatedly ask to “make out” even when Carson said no. The student reported that these incidents occurred last spring, over the summer, and in the first weeks of school as per self reports by Carson to Francis. Francis was unable to recall any specific dates. The alleged assaults occurred in the hallways during the school day and at the students houses. Francis reported that Carmen’s behavior has changed since the incidents occurred. They stated that Carmen only gets 3-4 hours of sleep each night, appears jumpy and fearful of Robin. Francis reported that Carmen intentionally avoids Robin. Francis said Robin has attempted to apologize to Carson on a few occasions, including in an in-person conversation with Francis and maybe by electronic messages to Carson. Francis said Carson appears to be in a “downward spiral.” Francis is worried about the potential consequences that Carson will face if Carson’s parents are made aware of the situation due to dating restrictions, some of which appear to be cultural/religious. Francis did not have many details.

From: Complainant's Mom
To: Title IX Coordinator
Subject: Carson Complainant
Date: Thursday, August 25, 2022 7:18:28 PM

Today I received a call from the school that on Monday, you became aware that Robin Respondent sexually touched my child on her private part. I'm not sure why it took y'all so long to let me know, and I am going to be calling a lawyer. But you had better be doing something about this. I assume Robin has been expelled from school? That needs to happen right now. Also, y'all asked to meet today, but I work. I don't know when we will be able to come up there for a meeting.

Our Case: More Facts

- ▶ A formal complaint was filed on August 25, 2022 by CP's parent
- ▶ Supportive measures are in place
- ▶ The Title IX Coordinator determined that, if true, the alleged conduct would be “fondling,” a type of sexual assault
- ▶ A notice of allegations was sent on August 30, 2022

NOA: Allegations

It is alleged that during the Spring semester of 2022 or during the first weeks of school in August 2022:

1. Robin Respondent (the “Respondent”) touched Carson Complainant’s (the “Complainant’s”) genitals over the clothing without consent, and
2. The Respondent repeatedly asked the Complainant to “make out” even when Carson said “no.”

Our Case: Allegations

The alleged conduct, if true, would be sexual harassment in an education program or activity of a recipient of federal funding and against a person in the United States. Specifically:

1. Touching the private body parts of another without consent and for purposes of sexual gratification is “fondling,” which is a type of sexual assault under Title IX, and
2. Unwelcome sex-based conduct that is so severe, pervasive, and objectively offensive that it effectively denies equal access to the District’s educational program or activity is “sexual harassment” prohibited under Title IX.



2. Verification of impartiality

Any individual designated as an Investigator may not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent

34 C.F.R. § 106.45(b)(1)(iii)

An impartial investigator ...

- ▶ Is unbiased
- ▶ Has no conflict of interest
- ▶ Does not prejudge
- ▶ Is well trained



Impartial Approach

- ▶ The preamble to the 2020 Title IX rules call for schools to use an objective, “common sense approach” to evaluating whether bias, conflict of interest, or prejudgment exists
- ▶ Remember that “objective” means whether a reasonable person would believe partiality exists
- ▶ The preamble says not to apply “generalizations” that might unreasonably conclude partiality exists

🌐 When poll is active, respond at pollev.com/thlaw411

📱 Text **THLAW411** to **22333** once to join

The investigator is a basketball coach and Robin is the star of the team, key to winning State; can they be impartial?

Yes, coaching a student does not create a conflict of interest.

Yes, as long as the investigator is not responsible for deciding playing time.

No, the relationship creates a personal conflict of interest for the coach.

No, the relationship creates an impression of a personal conflict of interest for the coach.

🌐 When poll is active, respond at pollev.com/thlaw411

📱 Text **THLAW411** to **22333** once to join

The investigator has a disciplinary role in the school and has imposed discipline on Robin in the past; can they be impartial?

Yes, imposing discipline on a student does not create an impermissible risk of bias.

No, but only if the discipline was for prior sexual misconduct.

No, imposing discipline on a student creates an impermissible risk of bias.

The investigator attends the same religious institution as Robin; can they be impartial?

Yes, attending the same religious institution with someone does not create a conflict of interest.

Yes, as long as there is no close personal or church-business relationship between the investigator and Robin or their family.

No, attending the same religious institution with someone creates a conflict of interest.

The investigator has raised money and marched for victims-rights advocacy groups; can they be impartial?

Yes, prior advocacy work can never render someone impartial.

Yes, as long as the investigator has been trained.

Yes, as long as the investigator has not made statements suggesting they are incapable of being impartial.

No, prior advocacy work renders someone biased against those for whom they advocate.

The investigator believes traumatic stress affects brain function and, in turn, memory and behavior; can they be impartial?

Yes, belief in "trauma informed practices" does not render someone impartial.

Yes, if the investigator does not rely on apparent trauma as evidence.

No if the investigator uses trauma-informed investigative techniques.

No, belief in "trauma informed practices" renders someone biased toward victims.

Impartiality Tips

- ▶ Be open with the Title IX Coordinator or their designee about any concerns—better to report something that turns out to be nothing than to ignore something that turns out to be a big deal
- ▶ When in doubt, disclose any concerns to the parties and get their agreement to allow you to continue in the role (with Title IX Coordinator)
- ▶ Show your work! The best way to avoid a claim of bias, conflict of interest, or prejudgment is to methodically work your case and write a solid report



INTRODUCTIONS

3. Introduction to parties

- ▶ Not required, but best practice
- ▶ Benefits:
 - Notice to the parties of the “rules” for the investigation
 - Notice to the parties that there may be periods where they do not hear from you, and how they can contact you

Introduction to Parties

- ▶ T&H Guidebook Document 28 –
Investigator Introduction to Party
- ▶ Send to parties, parents/guardians of
minor parties, and advisors, if any

LAW ENFORCEMENT & EVIDENCE



4. Interaction with law enforcement

- ▶ Law enforcement is often involved when reported conduct is criminal in nature
- ▶ Child protective services may also be involved/investigating where abuse or neglect is suspected

Our Case: The Police

- Carson's parents filed a police report regarding the alleged fondling
- Officer Ogletree contacts you upon finding out that you are investigating and is quite angry that you are "screwing up their investigation"
- The Officer says the school must turn over the investigation to the police and stop "meddling" in police business

🌐 When poll is active, respond at pollev.com/thlaw411

📱 Text **THLAW411** to **22333** once to join

Can you turn over the investigation to the police as Officer Ogletree demands?

Yes, the school should not be involved in investigating such serious crimes when the police are involved

Yes, but only for as long as is necessary for the police to complete their processes

Yes, but only for as long as is necessary for the police to gather initial facts

No, the school cannot delay at all for a law enforcement request

2020 Regs

- ▶ You can delay time frames for the grievance process temporarily for good cause
- ▶ Good cause can include concurrent law enforcement activity
 - Must provide both parties written notice of any extension and the reason for it – **T&H Guidebook Document 23 – Notice of Extension of Timeframes**

🌐 When poll is active, respond at pollev.com/thlaw411

📱 Text **THLAW411** to **22333** once to join

What can justify a delay for concurrent law enforcement purposes?

An oral request from law enforcement to delay

Notice that law enforcement plans to release evidence that would be material to your determination at a particular future time

The arrest and incarceration of the Respondent

All of the above

None of the above

🌐 When poll is active, respond at pollev.com/thlaw411

📧 Text **THLAW411** to **22333** once to join

The police decided not to prosecute Robin because it's a "they said, they said" case. How does it impact your investigation?

You can rely on the police's finding to dismiss the complaint

You can rely on the factual information gathered by the police, but not their finding

You cannot rely at all on any information from the police

Police Results as Evidence?

- ▶ Police evidence may be useful for fact-gathering
- ▶ But the standards for and purposes of criminal investigations are different from school investigations
- ▶ Police investigations or reports are not determinative of whether sexual harassment or violence violates Title IX

OCR 2011 DCL and 2020 TITLE IX REGS



When the Police Call

- ▶ Document **everything!**
- ▶ All communications should be in writing (reduce telephone conversations to writing)
- ▶ Ask police to put request any delay in writing
- ▶ In your response, explain the obligation to conduct Title IX investigation and ask for notification when you can begin your investigation
- ▶ Follow up, then follow up again, then again



Preserving Evidence

- ▶ Your investigation will not move as quickly as you're used to
- ▶ Consider whether there is evidence that should be preserved early on in the process



Preserving Evidence

- ▶ Photos of bruising or other fleeting injuries?
- ▶ Security recordings (internal or external)?
- ▶ Fleeting messages (Snapchats, etc.)?



Preserving Evidence

- ▶ Do not obtain sexually explicit information or information that could be evidence of a crime from a student device. Police should assist with such retrieval
- ▶ To obtain information from a student electronic device, use **T&H Guidebook Document 29 – Consent to Obtain Electronic Information From Student Device**



INVESTIGATION PLAN

5. Investigation Plan

- ▶ What questions need to be answered for a thorough and impartial investigation?
- ▶ Who should you interview and what evidence should you collect to allow the decision-maker to answer those questions?
- ▶ In what order should you collect evidence, including witness interviews?

What Are the Questions?

- Think back to the Title IX definitions of “Title IX sexual harassment” “in an educational program or activity” and “against a person in the U.S.”
- Look at the allegations and consider what the elements for each claim are
- Consider information needed to craft a remedy if a violation is found

Fondling

- ▶ Was there touching of the private body parts of another?
- ▶ Was it without consent?
- ▶ Was it for purposes of sexual gratification?
- ▶ Was it in an “educational program or activity”
- ▶ Was it “against a person in the U.S.”

Hostile Environment

Was there:

- ▶ Unwelcome conduct?
- ▶ Based on Sex?

Was it so:

- Severe?

➤ Pervasive? and

➤ Objectively Offensive?

That it would effectively deny equal access to an educational program or activity?

Remedies

- ▶ What were the effects on the Complainant, if any?
- ▶ What were the effects on the larger school community, if any?
- ▶ What issues may need to be addressed with the Respondent, if any?

From: Principal Patterson
To: Title IX Coordinator
Subject: Statement (Confidential)
Date: Monday, August 22, 2022 3:23:08 PM

Re: Statement Allegations of Sexual Assault

On Monday, August 22, 2022 at approximately 1:30 p.m., Teacher Thompson reported to me that a sixth grade student, Francis Friend, reported concerns of sexual assault against a peer, Carson Complainant (6th grade) The student reported that another student, Robin Respondent (6th grade), has inappropriately touched Carson in private areas and would repeatedly ask to “make out” even when Carson said no. The student reported that these incidents occurred last spring, over the summer, and in the first weeks of school as per self reports by Carson to Francis. Francis was unable to recall any specific dates. The alleged assaults occurred in the hallways during the school day and at the students houses. Francis reported that Carmen’s behavior has changed since the incidents occurred. They stated that Carmen only gets 3-4 hours of sleep each night, appears jumpy and fearful of Robin. Francis reported that Carmen intentionally avoids Robin. Francis said Robin has attempted to apologize to Carson on a few occasions, including in an in-person conversation with Francis and maybe by electronic messages to Carson. Francis said Carson appears to be in a “downward spiral.” Francis is worried about the potential consequences that Carson will face if Carson’s parents are made aware of the situation due to dating restrictions, some of which appear to be cultural/religious. Francis did not have many details.

What evidence can you seek?

What if there is really no evidence other than "they said, they said"?

A finding in favor
of the Complainant

A finding in favor
of the Respondent

Dismissal of the
complaint with no
finding

It's Your Job!

- ▶ The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the school district, not the parties
- ▶ Off limits: medical treatment records without voluntary, written consent

But if the Parties Want to Share...

- ▶ Let them! Do not discourage parties from submitting evidence
- ▶ Give them the same opportunity to present evidence, suggest witnesses, recommend directions for your investigation
- ▶ If you decide not to pursue a suggested route, record your reasons and summarize in your report

Writing Out Questions

- ▶ I recommend this (I do it myself!)
 - Bullet points and lists can help you stay on track
 - But they don't help with word choice
- ▶ But you must always be flexible

Writing Out Questions

- ▶ Tell me about your relationship with Robin/Carson.
- ▶ Would you say you were friends or more than friends?
- ▶ Did your relationship change at any time?
- ▶ How did it change?

Writing Out Questions

- ▶ Did you and Robin/Carson ever touch each other's private body parts?
- ▶ How frequently did that happen?
- ▶ Ok, let's talk about the first time it happened, who was present, where were you, how was the conduct initiated, what did you say/they say?
- ▶ Let's talk about the next time it happened... (etc.)

In what order will you interview the witnesses?

Carson


Robin

Principal Patterson

Teacher Thompson

Law Enforcement Witness

Student Witness

A close-up, low-angle shot of a detective wearing a brown trench coat and a matching hat. The detective is looking down and to the left, holding a magnifying glass in their right hand. The background is a warm, golden-yellow gradient. The text "COLLECTION OF EVIDENCE" is overlaid in a dark blue, serif font.

COLLECTION OF EVIDENCE

6. Collection of Evidence

- ▶ Includes interviews and reviews of tangible evidence
- ▶ Remember that this is your burden – think creatively, broadly, and evenhandedly

Before Interviews

- ▶ Decide how you will record information from the interviews
- ▶ Recordings may have to be shared (see later discussion of Directly Related Evidence)
- ▶ Consider having a note-taker attend

Before Interviews

- ▶ Must send notice to any party before any investigatory meeting or interview
 - Must include date, time, participants, purpose, and location with sufficient time to prepare
- ▶ Recommended to do the same for non-party witnesses (not required)
- ▶ Use **T&H Guidebook Document 30 – Notice to Party of Investigative Interview or Other Meeting** and **Document 31 – Notice to Witness of Investigative Interview of Other Meeting**

Start of Interviews

- ▶ Explain background information
 - Explain expectations for parents/guardians and advisors
 - Use **T&H Guidebook Document 34 – Party Interview Intro** or **T&H Guidebook Document 35 – Witness Interview Intro**
- ▶ Take notes using memorandum of interview or finalize notes in a memo after
 - **T&H Guidebook Document 33 – Memorandum of Interview**

Advisors in Interviews

- ▶ Each party must have equal right to have an advisor of choice present at any meeting or interview
- ▶ Can be, but is not required to be, an attorney
- ▶ In addition to a minor party's parent, who can also attend (and has all other rights of a minor party)
- ▶ If an attorney is present, you can request to have an attorney present from the District

🌐 When poll is active, respond at pollev.com/thlaw411

📱 Text **THLAW411** to **22333** once to join

What if a party's parent/guardian or advisor is being unruly?

Too bad - they are required to be allowed to have them there

You can warn them and, if they continue to misbehave, remove them

You can remove them immediately because they have already been warned of expectations

During Interviews

- ▶ Your goal is to obtain information, not share information
- ▶ Begin with open ended questions
- ▶ Probe more specifically if necessary

During Interviews

- ▶ Do not use terms that suggest prejudice or bias, like “victim” and “perpetrator”
- ▶ Do not use sex stereotypes
- ▶ Do not require one party to carry the burden of presenting or identifying evidence
- ▶ Do not be swayed in the evidence you collect and document by party status

Words Matter

- ▶ Avoid suggesting belief or disbelief (“I’m so sorry this happened to you”)
- ▶ You can be empathetic, though (“I can tell this is difficulty, would you like a break” or “I don’t expect you to be able to tell me every detail”)
- ▶ Avoid words that seem to blame a party (“Why didn’t you report it”)

Don't Ask...

Unless you have written consent:

- ▶ Medical records
- ▶ Privileged information
- ▶ Information about the Complainant's sexual predisposition or prior sexual behavior (“rape shield”)

For consent, use **T&H Guidebook Document 36 – Authorization to Use Otherwise Irrelevant Information**

🌐 When poll is active, respond at pollev.com/thlaw411

An investigator can tell a party not to talk to others in the school community about a complaint during an investigation

True

False

Start the presentation to see live content. For screen share software, share the entire screen. Get help at pollev.com/app

Don't Tell...

- ▶ Gag orders are not allowed in the Title IX process
- ▶ You can explain the consequences; namely, a risk of a finding of retaliation

“Rape Shield” Exceptions

- ▶ To show that someone other than the Respondent engaged in the alleged conduct
- ▶ Prior conduct between the parties to be used to show consent

Closing Interviews

- ▶ Ask “anything else”
- ▶ Consider allowing parents/guardians or advisor to ask questions
- ▶ Ask for questions, including about process
- ▶ Always discuss retaliation – both against them and against the other party
- ▶ Explain next steps
- ▶ Ask the witness to reach out if they think of anything else later

After the Interview

- ▶ Finalize your notes as soon as possible
- ▶ Assess whether to update the investigation plan with other witnesses or evidence identified during the interview
- ▶ Gather any remaining evidence that is relevant to the allegations
- ▶ Assess whether any factual or chronological gaps exist and, if so, complete additional interviews and/or evidence collection

Uncooperative Witnesses

- ▶ What if a party or witness refuses to show up?
 - For parties, use **T&H Guidebook Document 32 – Party Non Response to Interview Request**
 - For witnesses, there is less leverage; get creative
- ▶ Cannot make a decision solely based on a party's non-cooperation

Uncooperative Witnesses

- ▶ Consider:
 - Why the non-cooperation?
 - Explain the consequences
 - Involve others



DIRECTLY RELATED EVIDENCE

7. Compiling and sharing the DRE

- ▶ “Directly related evidence” is not defined in the rules
- ▶ Statements, notes of interviews, and other types of evidence collected in the investigation are likely covered

Directly Related Evidence

- ▶ Even evidence the school doesn't think it will use
- ▶ The parties must be given at least 10 days to review all the evidence and submit written responses about the evidence to the investigator
- ▶ The investigator must consider the responses when writing the investigative report
- ▶ Use **T&H Guidebook Document 37 – Notice of Right to Review and Respond to DRE**

What is not directly related evidence related to Carson's formal complaint?

"Sexting" messages between Robin and Carson in the Spring and Summer

Draft interview notes or recordings once notes have been finalized

A written statement from another classmate saying Robin did the same thing to them the year before

Evidence of the specifics of Robin's disability services

All of the above are directly related

Does DRE include...??

Evidence subject to legal privilege

Evidence related to a complainant's past sexual history
not related to:

1. The evidence is offered to prove someone other than the respondent committed the alleged sexual harassment
2. The evidence relates to the sexual behavior between the complainant and respondent and is offered to prove consent

What Does “Days” Mean?

- ▶ Can be calendar days, business days— however policy defines it – but must be reasonable (school days may not cut it)
- ▶ Begin counting the day after the DRE is sent
- ▶ Make sure your policy is clear and you include due dates in letters



**INVESTIGATION
REPORT**

8. Drafting, finalizing, and sharing the report

- ▶ The report must summarize all “relevant evidence”
- ▶ You can (and should) begin drafting the report during the 10-day DRE period
- ▶ The report must be shared with the parties who have 10 days to respond before a decision

Investigation Report

- ▶ Summarizes the *relevant evidence*
- ▶ Different from *directly related evidence* shared in the previous step

Use **T&H Guidebook Document 38**
– **Investigative Report Template**



Relevant Evidence

Evidence is relevant if

(a) it has any tendency to make a fact more or less probable than it would be without the evidence,

and;

(b) the fact is of consequence in determining the action

FED. R. EVID. 401



Relevant Evidence Includes

“Inculpatory Evidence”

- Evidence that makes it **more likely** that a disputed fact or issue is true

“Exculpatory Evidence”

- Evidence that makes it **less likely** that a disputed fact or issue is true



Rank the evidence from most relevant to least/not relevant

"Sexting" messages between Carson and Robin in the Spring and Summer

Draft interview notes or recordings once the notes have been finalized

A written statement from another classmate saying Robin did the same thing to them the year before

A text message in which Robin apologizes to Carson for "going to far" and "not listening"

Francis's statement that Robin told Francis to apologize to Carson for Robin for "going to far" and "not listening"

Evidence that Carson "made out" with another classmate as Robin's justification for asking Carson to make out

Remember – not relevant without consent

Evidence subject to legal privilege

Evidence related to a complainant's past sexual history unless:

1. The evidence is offered to prove someone other than the respondent committed the alleged sexual harassment
2. The evidence relates to the sexual behavior between the complainant and respondent and is offered to prove consent

A party's records made or maintained by a medical professional or paraprofessional made and maintained in connection with the provision of treatment of the party

Finalize the Report

- ▶ After the 10 day DRE review period, consider and address any responses to DRE in the report
- ▶ The report does not reach a decision/determination, that is the decision-maker's role
- ▶ The school must share the final report with both parties and their advisors (Use T&H Guidebook Document 39 – Notice to Parties to Review Investigative Report)
- ▶ Both parties must be given at least 10 days to review and respond before a final decision

Example

The parties do not dispute that in the Spring semester of 2022 and during the first weeks of school in August 2022, Robin touched Carson for purposes of sexual gratification on three occasions. The main dispute is whether that conduct was consensual.

Example

According to Carson, Carson and Robin had discussed previously that Carson had never done anything sexual and did not want to do so. Carson says when Robin asked to “make out” or touch Carson, Carson always said no. Carson said they really like Robin and their families are friends, so Carson did not want to do anything to put that at risk. Carson also said that their parents are very strict and Carson was afraid if they knew anything happened, they would blame Carson. So, despite having said they did not want to, Carson said they eventually said “ok fine” on the occasions when the touching occurred.



CLOSE THE FILE

90

9. Finalizing and transmitting the file

- ▶ Files related to Title IX complaint must be maintained for seven years
- ▶ If you'd like to avoid being called on in six years to find your files, compile and send them to the Title IX Coordinator now
- ▶ Think broadly!

QUESTIONS?



Thompson & Horton LLP
Dallas, Texas

© Thompson & Horton LLP February 2022. Marketing materials. Not legal advice.



Presented by
Jackie Gharapour Wernz
Partner

jwernz@thlaw.com

@JackieWernz

(469) 421-6619

**Thompson
& Horton** LLP
ATTORNEYS | COUNSELORS

© Thompson & Horton LLP 2022. These materials are not legal advice. These materials are subject to a LIMITED LICENSE AND COPYRIGHT. These materials are proprietary and are owned and copyrighted by Thompson & Horton LLP. As training materials used to train Title IX personnel, these materials must be posted publicly by any organization or entity that purchased training for its Title IX personnel using these materials on that organization or entity's website or, if it has no website, must be made available by any such organization or entity for inspection and review at its offices. Accordingly, Thompson & Horton LLP has granted a LIMITED LICENSE to the organization or entity that lawfully purchased training using these materials (the "LICENSEE") to post these materials on its website or otherwise make them available as required by 34 C.F.R. 106.45(B)(10). The LICENSEE and any party who in any way receives and/or uses these materials agree to accept all terms and conditions and to abide by all provisions of this LIMITED LICENSE. Only the LICENSEE may post these materials on its website, and the materials may be posted only for purposes of review/inspection by the public; they may not be displayed, posted, shared, published, or used for any other purpose. Thompson & Horton LLP does not authorize any other public display, sharing, posting, or publication of these materials by the LICENSEE or any other party and does not authorize any use whatsoever by any party other than the LICENSEE. No party, including the LICENSEE, is authorized to copy, adapt, or otherwise use these materials without explicit written permission from Thompson & Horton LLP. No party, including the LICENSEE, is authorized to remove this LIMITED LICENSE AND COPYRIGHT language from any version of these materials or any copy thereof. Should any party, including the LICENSEE, display, post, share, publish, or otherwise use these materials in any manner other than that authorized by this LIMITED LICENSE, Thompson & Horton LLP will exercise all available legal rights and seek all available legal remedies including, but not limited to, directing the party to immediately remove any improperly posted content, cease and desist any unauthorized use, and compensate Thompson & Horton LLP for any unauthorized use to the extent authorized by copyright and other law. These materials may not be used by any party, including the LICENSEE, for any commercial purpose unless expressly authorized in writing by Thompson & Horton LLP. No other rights are provided, and all other rights are reserved.