



 ABHE
CAMPUS SAFETY AND SECURITY
CONFERENCE
NOVEMBER 13, 2025



Title IX in Practice: Upholding Compliance and Institutional Integrity

RACHEL CAMPBELL

Acting Director / Title IX Coordinator
Moody Bible Institute



Bio: Rachel Campbell

- **10 Years Experience in Title IX**
- **Key Role in the Development of Moody's Title IX Office**
- **Led the development of training materials for employee and student compliance – available for purchase**
- **Served in campus and church leadership roles**
- **B.A. in Education**
- **Masters in Clinical Mental Health Counseling**



CAMPUS SAFETY AND SECURITY CONFERENCE



Agenda

1. Define what constitutes a Title IX violation and understand the formal grievance process
2. Review key roles and responsibilities under Title IX
3. Learn how to build a Title IX response framework that is compliant, fair, and mission aligned

CAMPUS SAFETY AND SECURITY CONFERENCE



Disclaimer

This is not legal advice

CAMPUS SAFETY AND SECURITY CONFERENCE



What is 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.”

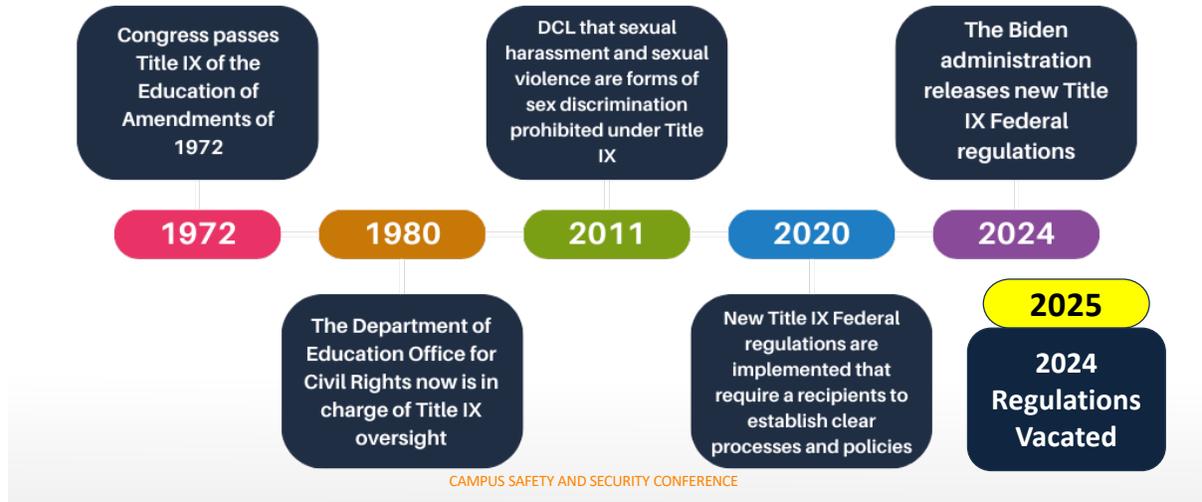
20 U.S.C. § 1681 et seq.

Title IX of the Education Amendments of 1972

CAMPUS SAFETY AND SECURITY CONFERENCE



HISTORY OF TITLE IX



Title IX is not...

- ...criminal law or “justice”
- ...a general “morality” code (it is not the “relationship police”)
- ...a replacement for Biblical reconciliation
- ...designed to promise healing
- ...unlimited in scope
- ...meant to guarantee identical outcomes
- ...automatically waived by faith-based institutions
- ...the only law to address sex discrimination / sexual harassment



Violation of Title IX

Students cannot violate Title IX law

CAMPUS SAFETY AND SECURITY CONFERENCE



Violation of Title IX

Students cannot violate Title IX law

Alleged prohibited conduct at your school is a potential violation of your school's policy

The conduct can also be criminal in nature

CAMPUS SAFETY AND SECURITY CONFERENCE



Violation 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:

1. Provide unequal treatment on the basis of sex (including pregnancy)
2. Fail to designate a Title IX Coordinator, create a policy, or provide notice
3. Fail to respond promptly in a manner that is not deliberately indifferent
4. Mishandle the formal grievance process in accordance with the federal regulations and the school's individual policy
5. Retaliate against anyone
6. Fail to maintain required records (7 yrs) or post training materials

CAMPUS SAFETY AND SECURITY CONFERENCE



Equal treatment

- Recruitment and admissions practices
- Access to educational programs or activities including classes and schools
- Equal opportunities in extra-curricular activities (i.e. athletics, music groups, etc.)
- Employment practices
- Housing
- Financial assistance
- Use of campus resources (e.g. counseling, professional or academic mentoring, tutoring, athletic equipment, comparable facilities, etc.)
- Other limitations or exclusions based on sex (including pregnancy and related conditions – Part 106.40)

CAMPUS SAFETY AND SECURITY CONFERENCE



Notice of Coordinator and Policy

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

- The designation of a Title IX Coordinator who can serve without conflict of interest or bias
- The adoption and dissemination of a policy which
 - Makes a statement that prohibits sex discrimination/sexual harassment
 - Defines prohibited conduct under “sexual harassment”
 - Includes instructions on how to file a complaint
 - Describes the grievance procedures for complaints of sexual harassment

CAMPUS SAFETY AND SECURITY CONFERENCE



Title IX Coordinator

- Ensure institutional compliance with federal, state, and local regulations
- Ensure practices of non-discrimination on the basis of sex
- Be the point person for reports of sexual harassment – typically making jurisdictional determinations
- Oversee the implementation of policies and procedures
- Training on policy and procedures including Title IX team members
- Pattern tracking and climate assessment
- Prevention and remedial measures

CAMPUS SAFETY AND SECURITY CONFERENCE



Policy Requirements

- Policy Statement (prime spot for mission aligned language)
- Scope (within Educational Programs & Activities and within the U.S.)
- Definitions of prohibited conduct (federal and state considerations)
- Campus and community resources
- Instructions for how to make a report and a complaint
- Supportive measures
- Resolution processes and procedures (including formal and informal and appeals)
- Range of sanctions

CAMPUS SAFETY AND SECURITY CONFERENCE



Policy Requirements - Scope

Does your school have one policy or multiple policies handling various forms of sexual harassment?



CAMPUS SAFETY AND SECURITY CONFERENCE



Policy Definitions

Regulated definitions of prohibited conduct:

- ***Quid pro Quo Sexual Harassment*** – an employee conditioning the provision of an aid, benefits, or service of the school on an individual’s participation in unwelcome sexual conduct
- ***Hostile Environment Sexual Harassment*** – unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational programs or activities (includes workplace duties)
- The Big 4 (***sexual assault, dating violence, domestic violence, and stalking***) – as defined by Clery and VAWA.

CAMPUS SAFETY AND SECURITY CONFERENCE



Policy Definitions – Sexual Assault Update

June 23, 2025 - Updated definition of Sexual Assault

2020 federal regulations point to the use of the federal definition of “sexual assault”

Title IX Regulations 34 CFR (106.30(a)(3) points to The Clery Act 20 US Code (U.S.C.) 1092(f)(6)(A)(v) which points to the Uniform Crime Reporting System (UCRS) of the FBI which in 2021 shifted from the Summary Reporting System (SRS) to the National Incident-Based Reporting System (NIBRS)

There is not clear guidance yet on Clery reporting requirements since the Clery addendum contains a specific definition of sexual assault.

CAMPUS SAFETY AND SECURITY CONFERENCE



Policy Definitions – Sexual Assault Update

Old Definition – “fondling”

- Directly or through clothes
- Touching of private body parts of the victim
- Purpose of sexual gratification
- Without the consent of the victim

Updated – “criminal sexual contact”

- Clothed or unclothed
- Intentional touching of body parts OR
- The forced touching by the victim of the actor’s body parts
- Purpose of sexual degradation, sexual gratification, or sexual humiliation
- Without the consent of the victim

CAMPUS SAFETY AND SECURITY CONFERENCE



Policy Requirements – Formal Process

- Standard of evidence (IL requires preponderance of evidence)
- Burden of proof on the institute, not the parties
- Statement regarding privacy and confidentiality (Cannot impose a gag order)
- Amnesty considerations?
- Equal opportunity to present witnesses, provide evidence, and participate in interviews and have an advisor present at all meetings
- Equal opportunity for evidence review and response
- Live Hearing
- Written determination

CAMPUS SAFETY AND SECURITY CONFERENCE



Protect Against Retaliation

- No school or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or because the individual has made a report, or complaint, testified, assisted, or participated or refused to participate in any proceeding.
- Free speech does not constitute retaliation
- Charging for bad faith report does not constitute retaliation – a determination regarding not responsible is not sufficient to determine a bad faith report

CAMPUS SAFETY AND SECURITY CONFERENCE



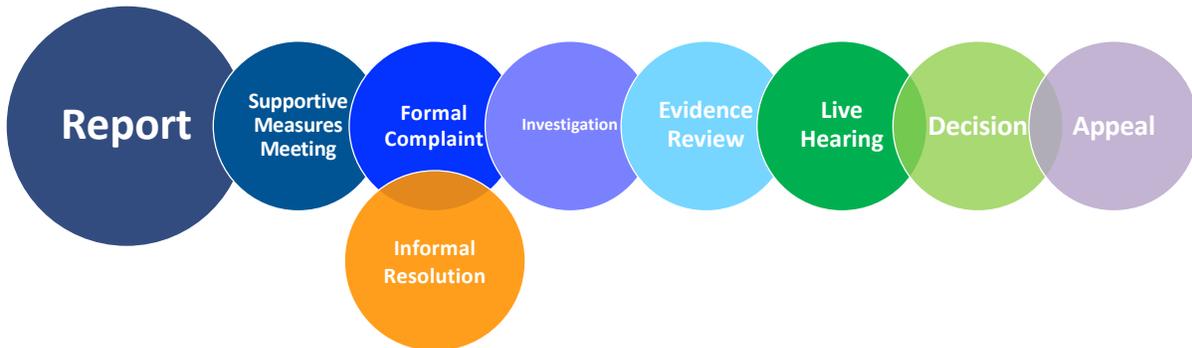
Title IX Case and Investigative Process



CAMPUS SAFETY AND SECURITY CONFERENCE



Title IX Case and Investigative Process



CAMPUS SAFETY AND SECURITY CONFERENCE



Receiving a Report

- 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.

CAMPUS SAFETY AND SECURITY CONFERENCE



Respond Promptly

- 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
- Deliberate Indifference
 - Clearly unreasonable response in light of known circumstances

CAMPUS SAFETY AND SECURITY CONFERENCE



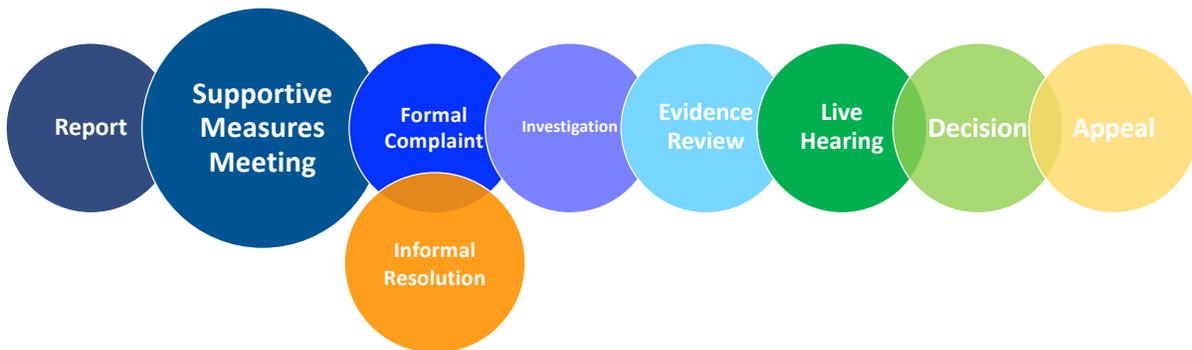
Title IX Case and Investigative Process



CAMPUS SAFETY AND SECURITY CONFERENCE



Title IX Case and Investigative Process



CAMPUS SAFETY AND SECURITY CONFERENCE



Follow Regulated Procedures

- Regardless of a formal complaint
 - Contact the complainant
 - Offer supportive measures and explain the formal complaint process
- Upon the filing of a formal complaint
 - Equitable treatment of party members within the regulated process
 - Provide notice of allegations of sexual harassment
 - Fair and impartial process by trained personnel
 - Consider any related allegations to consolidate

CAMPUS SAFETY AND SECURITY CONFERENCE



Title IX Case and Investigative Process



CAMPUS SAFETY AND SECURITY CONFERENCE



Title IX Case and Investigative Process



CAMPUS SAFETY AND SECURITY CONFERENCE



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
- Determination of responsibility is only made at the end

CAMPUS SAFETY AND SECURITY CONFERENCE



Notice of Allegations cont.

- 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

CAMPUS SAFETY AND SECURITY CONFERENCE



Dismissals

- **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

CAMPUS SAFETY AND SECURITY CONFERENCE



Dismissals cont.

- 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

CAMPUS SAFETY AND SECURITY CONFERENCE



Title IX Case and Investigative Process



CAMPUS SAFETY AND SECURITY CONFERENCE



Title IX Case and Investigative Process



CAMPUS SAFETY AND SECURITY CONFERENCE



Investigators

- Neutral fact finder
- Free from bias or conflicts of interest
- Independent and Professional
- Diligent, exercising due care
- Appropriately trained and experienced
- Can be the TIXC or internal or external
- Best to work in pairs if possible
- Consider an Independence Statement

CAMPUS SAFETY AND SECURITY CONFERENCE



Investigation Process

- Develop an investigative plan (prepare for the final report from the start)
- Evidence collection – both inculpatory and exculpatory (interviews, internal records, public information, personal information, physical items, etc.)
- Keep record of what you request and if/when you receive it or why you did not receive it
- Special evidence considerations:
 - DO NOT HANDLE child pornography.
 - Privileged information between a medical health provider, mental health care worker, or pastor may be relevant and requires a waiver to obtain
 - Rape shield law – prior sexual history of the complainant is not relevant unless it is to prove that someone else is the perpetrator or to prove consent patterns between the respondent and complainant.

CAMPUS SAFETY AND SECURITY CONFERENCE



Investigation 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
- Document as interview reports for evidence review (can summarize and order the events in a meaningful manner for the sake of party members and decision maker)

CAMPUS SAFETY AND SECURITY CONFERENCE



Title IX Roles – Advisors

- The party may choose any Advisor
- Advisors are allowed at any meeting or proceeding
- For Live Hearing, Advisors are required to ask questions
- Create an Advisor Expectation document
- Advisors do not answer investigator's questions
- The party may confer with Advisors
- Attorneys as Advisors – not representation

CAMPUS SAFETY AND SECURITY CONFERENCE



Title IX Case and Investigative Process



CAMPUS SAFETY AND SECURITY CONFERENCE



Title IX Case and Investigative Process



CAMPUS SAFETY AND SECURITY CONFERENCE



Evidence Review

- Provide all evidence to the parties for review – including evidence the institution does not intend to rely on, in the evidence review. (at least 10 days to submit a written response)
- Can include a draft investigative report in the evidence review period
- Consider any response from the parties and if there is more evidence to collect before finalizing the investigation and include responses with the final evidence
- Write final investigative report and provide to parties at least 10 days prior to the live hearing to allow for response
- Collect all responses to the final report and attach them as addendums for the review of the decision maker

CAMPUS SAFETY AND SECURITY CONFERENCE



Title IX Case and Investigative Process



CAMPUS SAFETY AND SECURITY CONFERENCE



Title IX Case and Investigative Process



CAMPUS SAFETY AND SECURITY CONFERENCE



Title IX Roles – Decision Maker

- Cannot be the Title IX Coordinator or Investigator
- Single Decision Maker or panel is allowed
- No bias or conflict of interest - impartial
- No prior involvement in the case
- Trained on technology used at the hearing
- Trained on Title IX policy, definitions, process, relevant questions, and evidence
- Understands the standard of evidence

CAMPUS SAFETY AND SECURITY CONFERENCE



Live Hearing

- Recommend a pre-hearing conference
- They must be live but not required to be in person
- Must be recorded– audio/visual or transcript
- Party members allowed to have an advisor of their choosing
- The school must provide an advisor for the live hearing if the party does not have one
- Exclusionary rule – DOE ceased enforcement on August 24, 2021

CAMPUS SAFETY AND SECURITY CONFERENCE



Live Hearing cont.

- Party Advisors must be present and allowed to ask questions
 - Directly, orally, and in real time
 - Including questions challenging credibility
 - Only relevant questions are permitted
 - Able to require decorum
- Decision Maker must decide if a question is relevant or not relevant – must explain if excluding
 - Relevant = any tendency to make a fact more or less likely
 - Inculpatory and exculpatory evidence allowed
 - Questioning credibility allowed
 - Privileged and protected information

CAMPUS SAFETY AND SECURITY CONFERENCE



Title IX Case and Investigative Process



CAMPUS SAFETY AND SECURITY CONFERENCE



Title IX Case and Investigative Process



CAMPUS SAFETY AND SECURITY CONFERENCE



Written Determination

- Allegations
- Procedural steps
- Findings of fact
- Analysis of Facts and Application of Policy
- Conclusions regarding each allegation
- If responsible:
 - Determination regarding responsibility
 - Remedies and Sanctions imposed
- Procedure for appeal

CAMPUS SAFETY AND SECURITY CONFERENCE



Title IX Case and Investigative Process



CAMPUS SAFETY AND SECURITY CONFERENCE



Title IX Case and Investigative Process



CAMPUS SAFETY AND SECURITY CONFERENCE



Appeals

- Available for determinations regarding responsibility and for complaint dismissals
- Grounds for appeal
 - Procedural irregularity
 - New evidence that could affect the outcome
 - Conflict of interest or bias
- Additional grounds as either required by state law or offered at institute discretion
- Equally available to both parties
- Both parties given opportunity to write statement in support of or challenging the appeal
- Appeals person/panel – not the same as the decision maker(s), TIXC, or investigator

CAMPUS SAFETY AND SECURITY CONFERENCE



Title IX Case and Investigative Process



CAMPUS SAFETY AND SECURITY CONFERENCE



Title IX Case and Investigative Process



CAMPUS SAFETY AND SECURITY CONFERENCE



Informal Resolution

- Not a requirement for institutions
- Current rules require a Formal Complaint
- Must be voluntary by both the Complainant and the Respondent (written consent)
- Not allowed if an employee is the Respondent
- Written Notice
 - Allegations
 - Informal Resolution Process
 - Cannot bring the same charges again
 - Can withdraw prior to agreement

CAMPUS SAFETY AND SECURITY CONFERENCE



Informal Resolution cont.

- Informal Resolution Facilitator can be the TIXC
- Facilitator must receive training
- Cannot have a conflict of interest or bias
- Institutions have great discretion on the process
- Include the procedures in the Title IX policy
- If Informal Resolution fails, continue with the formal grievance process

CAMPUS SAFETY AND SECURITY CONFERENCE



Religious Exemption Rights

34 C.F.R. Part 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

CAMPUS SAFETY AND SECURITY CONFERENCE



Religious Exemption Rights cont.

34 C.F.R. Part 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

CAMPUS SAFETY AND SECURITY CONFERENCE



Mission Alignment

Christian Community – Love one another (Jn 13: 34-35; Rom 12:9-10)

Support and encouragement – Bear one another’s burdens, build one another up (Gal 6:2, 9-10 and 1 Thess 5:11)

Gathering of evidence – inquire...if it be true (Deu 13:12-15)

Credibility/Witness interviewing – the one who states his case first seems right (Prov 18:17)

Impartiality – You shall not be partial to the poor or defer to the great (Lev 19:15)

Punishment – Those whom I love, I reprove and discipline (Rev 3:19)

Restoration – if anyone has caused pain, he has caused it to...all of you...turn to forgive and comfort him...for godly grieve produces repentance (2 Cor. 2:5-7)

CAMPUS SAFETY AND SECURITY CONFERENCE



Aligning Process with Mission

Ground your processes and procedures in Biblical truth.

Start with your own personal walk with the Lord

Be a representative of Christ in your interactions with those you serve.

Determine the message – consistent language and communication that agrees with the mission, vision, values, and doctrines of your school in the notice, dissemination, and prevention training

Model transparency and integrity with your process

Create cross-campus partnerships that align compliance with holistic care.

CAMPUS SAFETY AND SECURITY CONFERENCE



Aligning Process with Mission cont.

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

- Institutional betrayal – the organization betrayed my trust or did not protect me as they should have.
- I informed this person, so I informed the school
- Pastoral support can still occur in parallel to Title IX procedures, it cannot be a replacement of it.

Empower leadership and community partners

Encourage administrators, faculty, and staff to view Title IX as an important expression of the school's mission, not as a regulatory burden or government overreach.

CAMPUS SAFETY AND SECURITY CONFERENCE



Thank you

Questions

CAMPUS SAFETY AND SECURITY CONFERENCE