

# Case Closed: A Step-by-Step Guide to the Title IX Processes

*Equipping Decision Makers and Coordinators to  
Evaluate Cases with Clarity, Compliance, and  
Confidence.*

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Ashlee Kamosky

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**Date Presented:**  
**August 12, 2025**

# AGENDA



## Current State of Title IX

Regulations  
Courts  
DBU Stats



## Checklist

Step-by-Step  
Guide to the  
TIX Processes



## Employee Cases

Handling Cases  
with Peers /  
Coworkers



## Case Mapping

Preparing for  
Questioning in  
Interviews &  
Hearings



## Supporting Parties

Best Practices



## Hypotheticals

Let's Practice!



**Overview &  
Current State of  
Title IX**  
Regulations  
Courts  
DBU Stats



# Timeline of Title IX Regulations



Overview &  
Current State of  
Title IX  
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**May 2020**

## Trump Administration

The Depart. of Education issued new Title IX amendments tightening definitions of sexual harassment and strengthening due process for the accused, including live hearings, cross-examinations, a higher burden of proof, and conflict-of-interest safeguard.

**2021**

## Biden Administration

On January 20, 2021, President Biden signed Executive Order 13988, directing federal agencies to interpret Title IX to include discrimination based on gender identity and sexual orientation.

In June 2021, the Dept. of Education's Office for Civil Rights issued a Notice of Interpretation affirming that Title IX's prohibition on sex discrimination covers both **gender identity** and **sexual orientation**.

# Timeline of Title IX Regulations



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**2022–2023**

**April 19, 2024**

- A proposed overhaul of Title IX’s sexual misconduct rules was introduced in June 2022, with strong calls to finalize them.

However, delays persisted into late 2023, prompting widespread concerns from advocates about safety and fairness.

A landmark final Title IX rule was released, effective August 1, 2024, expanding protections to include sex-stereotypes, gender identity, sexual orientation, sex characteristics, pregnancy, and reinforcing robust, fair grievance procedures across institutions.



# Timeline of Title IX Regulations

Mid 2024

## Legal Challenges Mount

Courts began blocking or vacating the new rule:

- In July 2024, a federal judge in Alabama upheld the Biden administration’s expanded Title IX protections for LGBTQ+ students—but only in Alabama, Florida, Georgia, and South Carolina, representing an exception amid broader opposition.
- Meanwhile, other courts issued injunctions in various states (including Texas) that temporarily blocked the 2024 rule from taking effect.
- Ultimately, on January 9, 2025, a federal court in Kentucky vacated the entire 2024 Title IX rule nationwide, reverting to the 2020 regulations as the default standard



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# Timeline of Title IX Regulations

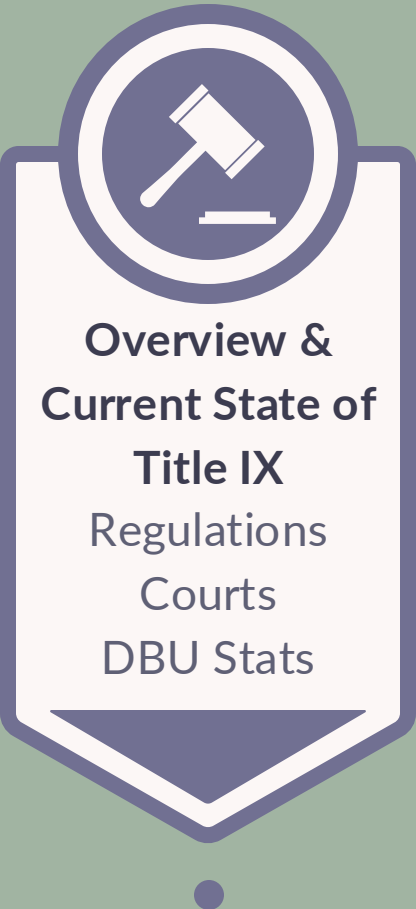
**Jan 31, 2025**

- The Department of Education issued guidance reverting schools back to the Trump-era 2020 Title IX regulations, including live hearings, right to cross-examination, and procedural due process measures.

**2025**

On January 14, 2025, the U.S. House passed a bill to amend Title IX by defining “sex” strictly as reproductive biology at birth, effectively excluding gender identity and aiming to bar trans students from girls’ sports. Its fate in the Senate remains uncertain.

Additionally, the Department of Education rescinded Biden-era Title IX guidance regarding proportional NIL (name, image, likeness) compensation across genders, citing lack of legal basis.

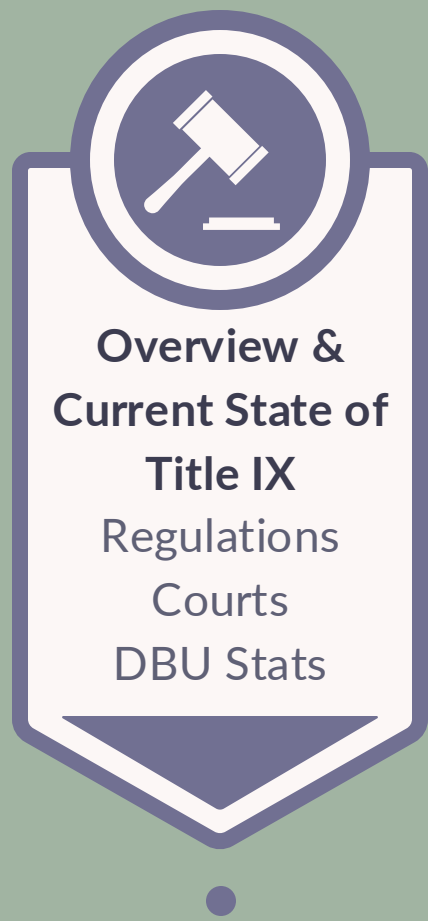


# Timeline of Title IX Regulations



The Title IX regulatory landscape since 2020 has seen rapid shifts tied closely to the political changes of successive administrations and a swirl of legal challenges.

As of mid-2025, the 2020 regulations are effectively reinstated, though legislative and bureaucratic actions continue to influence their implementation.



# IN THE COURTS

## Informal Resolution:

Very few reported cases analyzing informal resolution practices.

### Why?

- Federal courts have been reluctant to allow deliberate indifference claims based on an institution's use of an informal resolution process in general.
- Key Issues: Voluntariness, Timeliness, and Remedies/Enforcement.
- Communication with parties about the status of the case
- If the institution follows the policies and procedures, courts appear to be reluctant to second guess the decisions/outcomes.

# Stats at DBU

| Year           | Total Number of Title IX Reports | Number of Employees Who Mandatory Reported | Went Through a Title IX Process Investigation or (Informal Resolution) | Respondent Found Responsible |
|----------------|----------------------------------|--------------------------------------------|------------------------------------------------------------------------|------------------------------|
| 2022           | 51                               | 26                                         | 4 (2)                                                                  | 2                            |
| 2023           | 59                               | 46                                         | 3 (2)                                                                  | 1                            |
| 2024           | 46                               | 32                                         | 3 (0)                                                                  | 2                            |
| (To Date) 2025 | 31                               | 20                                         | 0                                                                      | 0                            |



## Checklist

Step-by-Step  
Approach to  
Cases



# PROCESS OVERVIEW

## Checklist

Step-by-Step  
Approach to  
Cases

Initial Report  
Immediate Support  
Measures Provided

Allegation  
Received

Initial  
Decisions

Investigation

Hearing  
(Informal Resolution)

Appeal

Type of Case Determined  
Severity Level  
Interim Measures  
Advisors Assigned  
Notice of Case Sent to Partys

Informal Resolution  
Interviews  
Evidence Gathered  
Interview Reports  
Investigation Report

Hearing Officer: Charge to Committee  
Hearing Proceedings  
Committee Deliberates  
Makes Ruling  
Hearing Officer: Ruling &  
Findings of Fact

Hearing transcribed.  
Special Adjudicator reviews  
case history  
Appellate Hearing  
Deliberates & Makes Ruling  
Special Adjudicator:  
Ruling &  
Findings of Fact



# Institutional Checklist for Title IX Cases

(See Handout)

*Click this link for the  
Employee Relations  
Presentation*



[Employee  
Cases](#)

Handling Cases  
with Peers /  
Coworkers



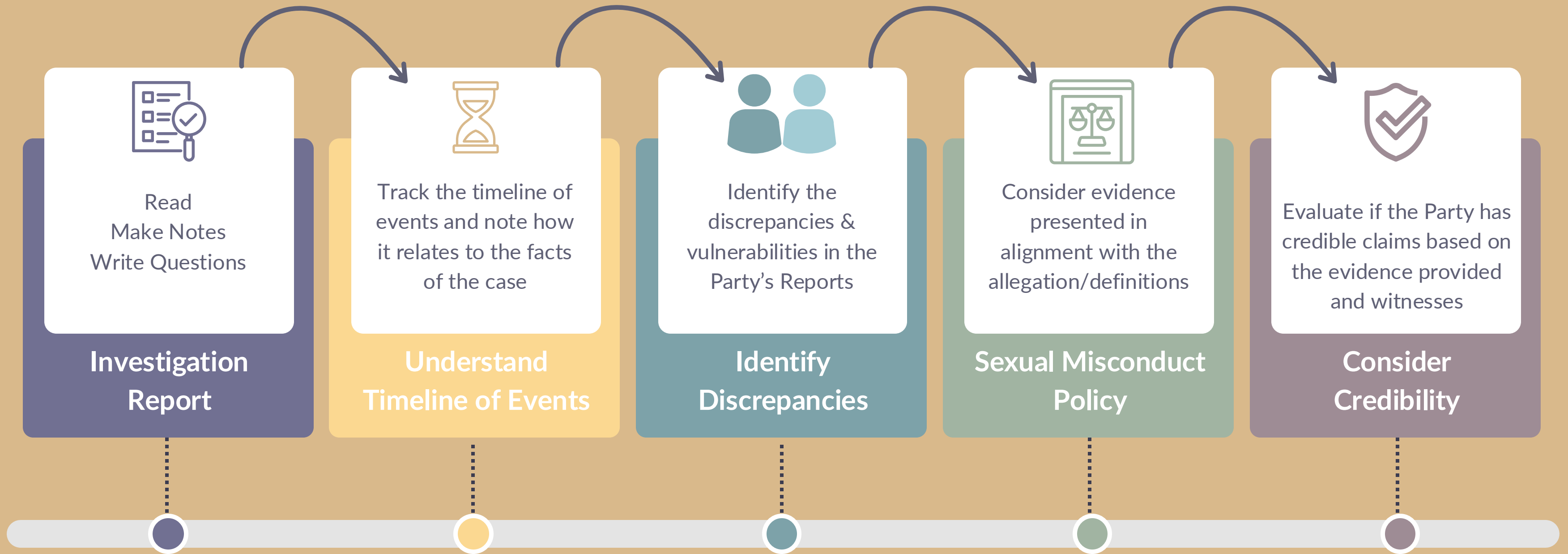


## **Case Mapping**

Preparing for  
Questioning in  
Interviews &  
Hearings



# PREPARATION FOR HEARING





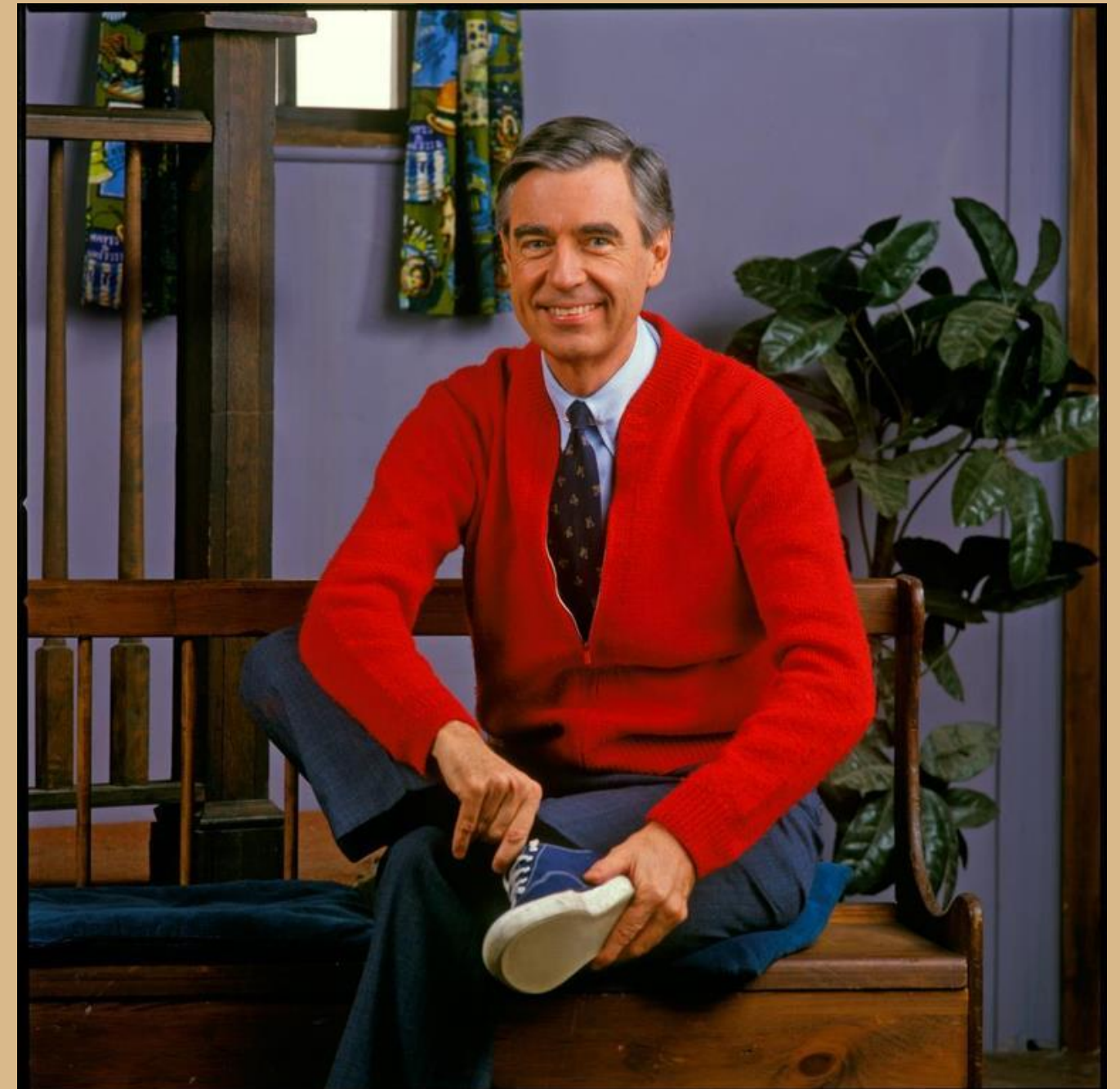
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# QUESTIONING TACTICS WHO WOULD DO IT BETTER?



**OR**





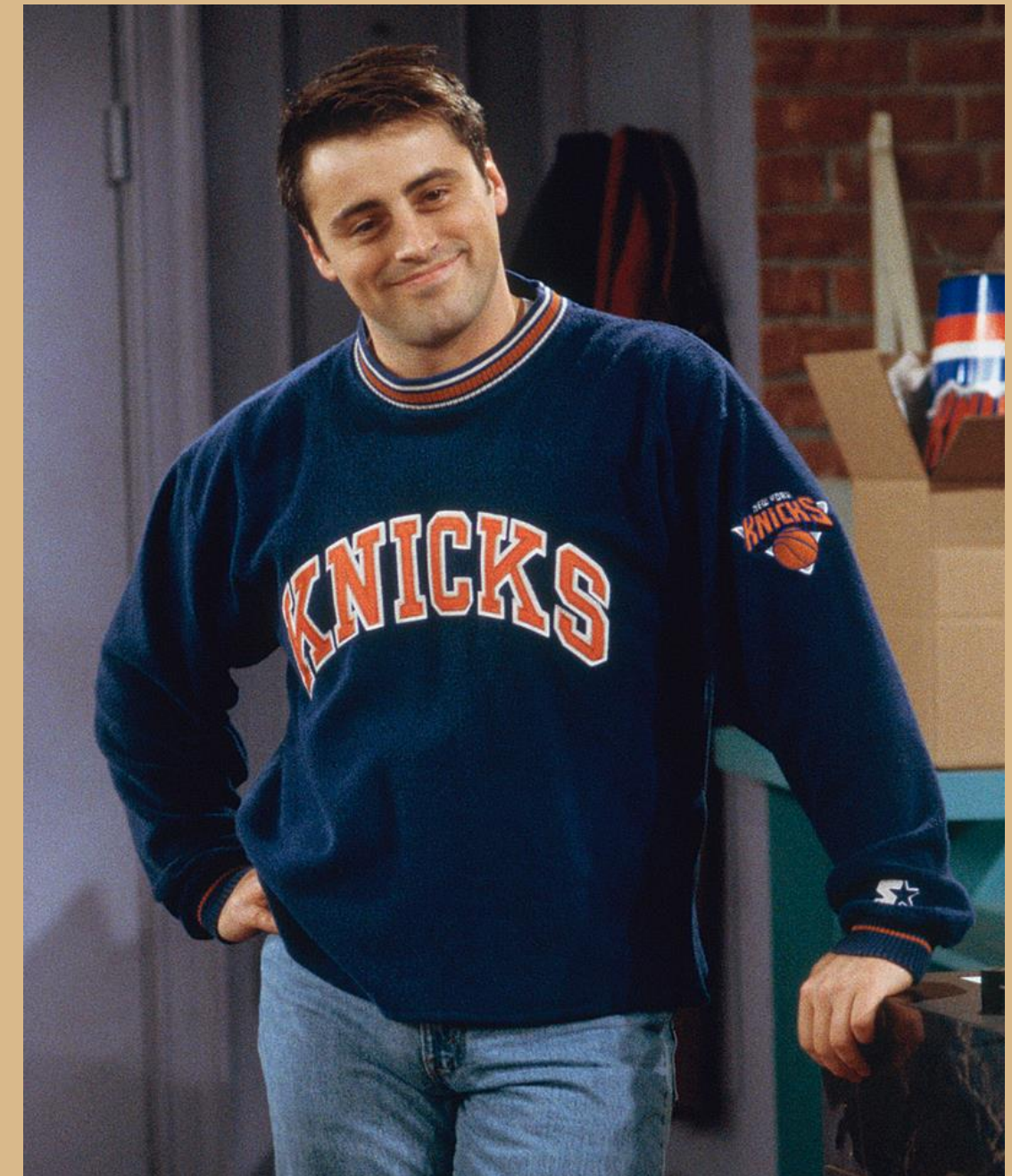
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# QUESTIONING TACTICS WHO WOULD DO IT BETTER?



**OR**





### Case Mapping

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# BEST PRACTICES FOR QUESTIONING

- Ask open-ended questions to *clarify facts*.
- Ask close-ended questions to *confirm specifics*.
- Maintain neutral body language/tone, no showing frustration.
- Keep questions tightly focused on the allegations and material facts.
- Avoid asking leading questions.
- Avoid asking about a party's character or unrelated past behavior, unless directly relevant.
- Avoid compound questions that confuse the witness.
- Avoid repeatedly questioning the same sensitive details or details that are clear in the investigation report.

# EVALUATE YOUR QUESTIONS



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## Is Your Question About Sexual History?

“Questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant,”— 34 C.F.R. § 106.45(b)(6)(i)

- Exceptions:
  - (1) To prove someone else was responsible
  - (2) To show consent: prior relationship with respondent

## Is Your Question Relevant?

- If a question reasonably helps assess credibility, bias, or facts at issue, it should be allowed.
- “The Department acknowledges that determining relevance in real time during a live hearing may be difficult.”— 85 Fed. Reg. 30026, 30331 (May 19, 2020)
- When in doubt about relevance, allow the question. Why?  
Relevance Is a Low Bar:  
Most relevance determinations should be quick and deferential.



Case Mapping  
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## CONSIDER THE BURDEN OF PROOF

In proving whether a Respondent is responsible for a violation of DBU's Sexual Misconduct Policy, the University will bear the burden of gathering evidence and proving responsibility.

### **"Clear and Convincing" Evidence Standard**

means the measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established.



## Case Mapping

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# STANDARDS OF PROOF

from high to low

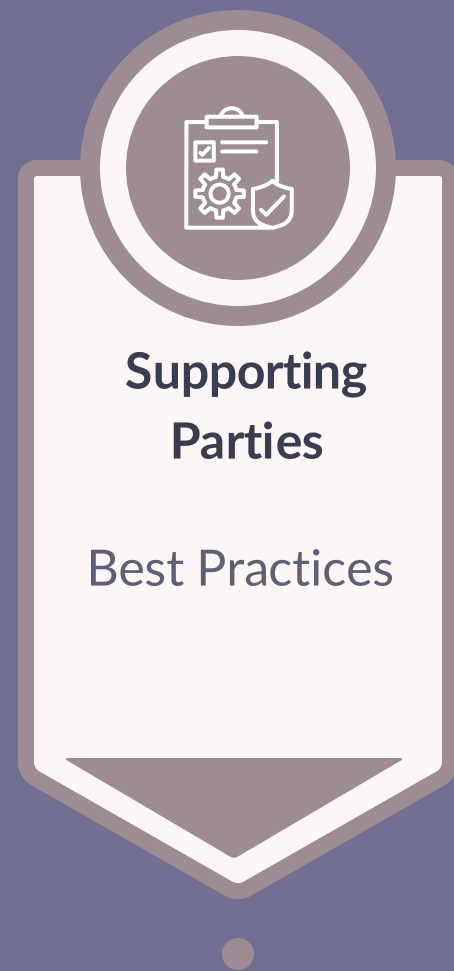




## Supporting Parties

Best Practices





# SUPPORTING PARTYS

## GENERALLY:

- Take frequent breaks
- Keep Party's separate – vary arrival times, second room, Zoom,
- Advisors support
- Room Set Up Modification

## DISABILITY:

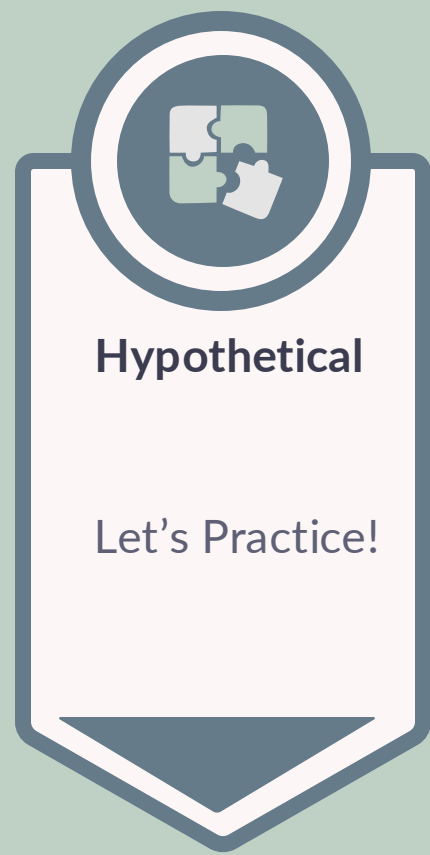
- Apply the spirit of approved accommodations within TIX Processes; (eg, additional processing time for written material, remote participation, adjust timeline w/o affecting procedural fairness , increase frequency of breaks)



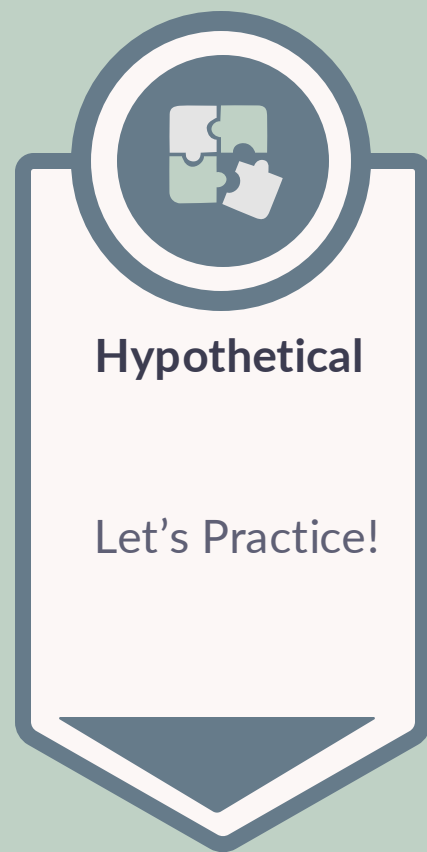
**Hypotheticals**

Let's Practice!





# INVESTIGATORS REPORT & SCENARIOS



# RELEVANT OR IRRELEVANT? ASK DIFFERENTLY?

Question 1:

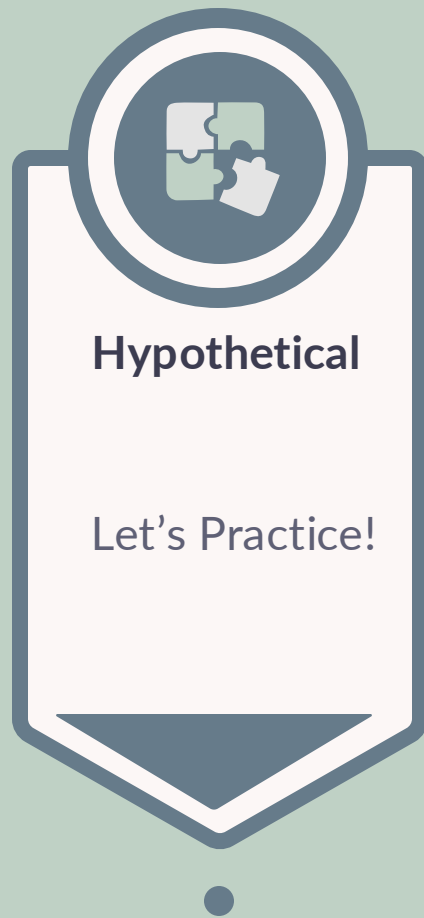
"You said you had vodka, but isn't it true you were also doing shots of Fireball before that?"

Question 2:

"Didn't you tell your roommate earlier that week you were into Jordan?"

Question 3:

"Isn't it true you kissed another person at the party before going upstairs with Jordan?"



# RELEVANT OR IRRELEVANT? ASK DIFFERENTLY?

Question 4:

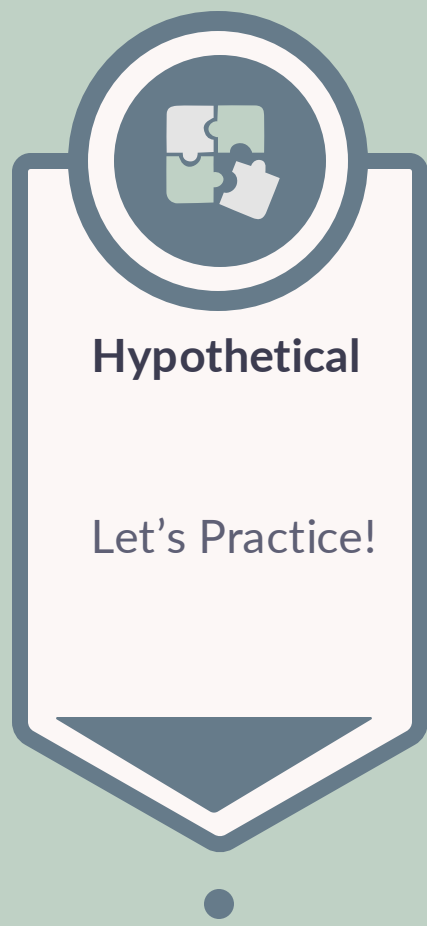
"You've accused someone of sexual misconduct before, haven't you?"

Question 5:

"You didn't scream or fight back. Why not?"

Question 6:

"You and Jordan were flirting in your group chat earlier that day. Can you explain that?"



# QUESTIONS?

# THANK YOU!

Thank you for the care and attention you give to each Title IX case. The way you listen, consider each person's story, and understand the weight of your decisions makes a real difference in their lives and futures. I'm praying for wisdom, clarity, and compassion for you as you do this important work.



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