

**Idaho Title IX Professional Learning Community
04.08.2025 Meeting**

Working with Law Enforcement Through Investigations

Next meeting May 6, and Jun 10, 2025

Title IX in K-12 Settings

- Prohibits sex discrimination in federally funded education programs
- Sexual harassment includes quid pro quo, hostile environment, sexual assault, dating violence, domestic violence, stalking
- K-12 schools must respond when any employee has actual knowledge of sexual harassment
 - Offer supportive measures
 - Look at investigation processes

Obligations under Title IX

- Offer supportive measures even if no investigation is requested and regardless of whether law enforcement is involved
- If a formal complaint is filed, investigate promptly and equitable (not deliberative indifferent, did you follow the regulations)
- Ensure due process for complainants and respondents (following 34 CFR 106.45)
- Must not delay Title IX obligations while waiting on law enforcement outcomes but can temporarily delay

Law Enforcement v. School Roles

You are responding to investigation under your policies, law enforcement looks at criminal conduct under state law.

- Focus of Investigation- School/district policy violations
- Purpose of Investigation - continuing access to education and determining policy liability
- Standard of Evidence - Preponderance of the evidence
- Potential Outcome - Supportive measures and may discipline and provide other remedies

Before a dual Investigation

- Build a relationship with law enforcement and discuss your Title IX obligations now!
 - Prevents confusion or conflict during active investigation
 - Ensures both entities understand their distinct roles and legal boundaries
 - Promotes a unified approach to student safety and rights
- Provide Cross Training Opportunities
 - Offer training to law enforcement on:
 - Title IX basics and definitions of sexual harassment
 - Required timelines and due process requirements under Title IX
 - Ferpa constraints and what info can/can't be shared
 - Invite law enforcement to observe or participate in IX focused Staff PD days
- Draft or update an MOU that outlines:
 - Mutual responsibilities
 - Limits of involvement

- Procedure for emergency removals and coordinated responses
- Have documentation of agreements between law enforcement agencies and district to maintain consistency for joint investigations
- Discuss Sensitive Topics Ahead of Time
 - How to handle Dual investigations - consider working through several scenarios
 - Managing press or parent inquiries during active cases (coordinate between PIO and internal communication person)
 - Student fear or police involvement as a barrier to reporting
- Law enforcement may be involved simultaneous with a Title IX process
 - Time of investigation
 - Conduct interview at the same time or after police interview

School must not wait for police to finish investigating before starting or continuing a title IX investigation

Coordination Considerations

Understand establish MOUs or protocols with local law enforcement

- Identify points of contact in both schools and police

Clarify:

- When/how to notify law enforcement
- Who communicates with family
- How information will be shared legally between entities
- Always document communications

Ensure supportive measures (Counseling, Schedule changes, etc,) regardless of case

Inform students and families about:

- Rights under Title
- XThe school's process and timeline
- The separate role of police
- Avoid actions that discourage participation in the Title IX process

Do's

- Report any known sexual harassment to the Title IX Coordinator
- Cooperate with both internal and external investigations
- Ensure students have support regardless of process outcome

Don'ts

- Promise confidentiality you can't legally guarantee
- Delay Title IX action while waiting on outcome of LE

Summary

- Title IX and criminal investigations are parallel but separate
- Must act promptly and independently
- Coordination helps - but law enforcement activities cannot be complete substitute for Title IX responsibilities
- Keep students' educational access and safety at the center