

# Issuing Sufficient Title IX Outcomes & Other Hearing Process Considerations

Title IX Coordinator Pathway Certificate

ASCA Annual Conference | 2026



# YOUR PRESENTERS



**Jessica Galanos**  
**Bricker Graydon Wyatt**  
**INCompliance**  
**[jgalanos@bricker.com](mailto:jgalanos@bricker.com)**

# SESSION OUTLINE

- Issuing Title IX Outcomes
- Review of Decision-Makers' Determinations
- Review of Appellate Officer Determinations

# Issuing Title IX Outcomes

- Simultaneous disclosure, unless there's a reason to deliver at different times
  - Consider the manner and source
  - Should likely come from TIXC
    - Email?
    - Meeting with a particular party? (Make sure to be equitable)
- Plan for support ahead of time
  - Don't issue at 4:55 p.m. on a Friday
  - Work with confidential resources to make sure someone is available
- Plan for appeals
  - If you plan to use an external appeals officer, work through the contracting process before the decision is issued
  - If using an external appeals officer, make sure they are aware of timelines and next steps

# The Aftermath of Title IX Outcomes

- Do your best to be available when the decision is issued
  - Answer questions
  - Discuss sanctions/remedies
  - Refer elsewhere if appropriate (for example, refer to student conduct or HR for questions about sanctions)
- Remember - this may be the end of the process for the Title IX Office
  - Not so for the parties
  - Consider whether supportive measures should continue
- Watch for post-outcome retaliation and harassment

# Compliant Title IX Outcomes

- Regulations identify required topics for Title IX Determinations
  - Unlike investigation reports
  - Unlike appeal decisions
- 34 CFR 106.45(b)(7)(ii)(A)-(E)
  - Allegations
  - Procedural steps
  - Findings of Fact
  - Application of the Policy to the Facts
  - A statement of, and rationale for, the result as to each allegation:
    - A determination regarding responsibility
    - Any disciplinary sanctions to be imposed on the respondent, and
    - Whether any remedies designed to restore or preserve equal access to the recipients' education program or activity will be provided to the complainant
  - Appeal process

# Reviewing Title IX Determinations

- Does the decision make sense?
- Does the decision include enough detail for someone unfamiliar with your campus or the case to understand what is being said?
- Does the report comply with the requirements of the regs (prior slide)?
- Did the Decision-Maker appropriately review the evidence?
  - Did they review all relevant evidence?
  - Did they exclude all non-relevant evidence?

# Reviewing Title IX Determinations (cont.)

- Does the decision accurately describe the process leading up the hearing?
  - The Decision-Maker may need information from you or the investigator
  - Remember, the Decision-Maker cannot be the investigator or the coordinator
- Did the Decision-Maker “show their work”?
  - If not, flag the issues for further discussion
  - Do not dictate what the outcome should be - but address gaps in the analysis
- Is the decision neutral in tone?
  - Do you have any concerns about bias or prejudgment of the facts?

# Reviewing Title IX Appeal Decisions

- Does the appeal decision make sense?
- Does the appeal decision include enough detail for someone unfamiliar with your campus or the case to understand what is being said?
- Does the decision comply with the requirements of the regs?
  - Not as prescriptive as they are for Decisions
  - Remember the minimum bases for appeal in the regs
    - Are there others in your policy?
- Did the Appeals Officer “show their work”?

# What if You Disagree with an Outcome?

- Ask yourself *why* you disagree?
  - Remember, TIXCs cannot be Decision-Makers or Appeals Officers
  - Do you disagree with the outcome or how evidence was weighed?
    - Distinguish between compliance issues and simple disagreement with the outcome
    - Ex: Decision-Maker states, “There is no evidence in support of Complainant’s report of misconduct.” But the Complainant’s statement is evidence.
      - Does this correction address the concern: “There is no documentary evidence in support of Complainant’s report of misconduct.”

# What if You Disagree with an Outcome? (cont.)

- After asking *yourself* questions, ask the Decision-Maker
  - Can they explain their rationale to you in a meeting?
  - Is that the rationale you read in the decision?
    - If so, re-examine your disagreement
    - If not, ask them to explain their rationale differently
- TIXCs must balance their role as the coordinator of compliance, with the fact that they are not the Decision-Makers or Appeals Officers
  - If your concerns go to compliance - you should address them
  - If your concerns go to the outcome - but the decision is compliant - you may be overstepping

# Conclusion

- TIXCs are charged with overseeing the entire Title IX process, including the work of Decision-Makers and Appeals Officers.
- The Title IX Regulations are clear that TIXCs may not be Decision-Makers or Appeals Officers. This means that the judgment of the TIXC shouldn't displace the judgment of these separate roles.
- However, where compliance with institutional policy or the regulations is at issue, TIXCs have the ultimate responsibility to ensure outcomes and appeal decisions equitable, free from bias and conflict of interest, and address the subjects required by the regulations.

QUESTIONS?





# ASCA ANNUAL CONFERENCE

February 11 - 14, 2026

Washington, DC