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Mastering Title IX compliance: Key lessons to avoid legal missteps

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APRIL 22, 2026



In today's evolving Title IX landscape, higher education institutions face unprecedented challenges in navigating proper compliance.

The frequent shifts in court interpretations and federal policies can create uncertainty, but lessons from past Title IX cases offer valuable insights to help institutions avoid common pitfalls in investigation and adjudication. Title IX serves as a safeguard for students and staff against sexual discrimination, but it also demands a careful and balanced approach to handling grievances. The failure to properly manage grievances creates fertile ground for litigation.

Here are some lessons gleaned from past court cases and real-world incidents where plaintiffs have alleged that schools have mishandled Title IX investigations, emphasizing the importance of thoroughness and fairness in these critical processes.

Take all grievances seriously

The subject matter and clarity of Title IX grievances is hardly ever uniform. Sometimes a grievance appears to have a strong basis in fact. Other times, grievances have clear factual issues at the outset that make it apparent to any experienced Title IX professional that the student or staff member is unlikely to obtain any finding of responsibility. Nevertheless, the identity of the student or staff member filing the grievance, or any perception that the claims are baseless, should never be a reason to decline providing adequate process.

A recent case involving Charleston School of Law illustrates the point. In that case, a male student alleged that he filed multiple Title IX complaints against a female student. Little, if any, action was taken – until the female student filed a counterclaim against the male student, and he was expelled from the school. Setting aside the merits of the male student’s grievance or the female student’s grievance, any school opens the door to criticism when it handles one person’s grievance in a perceptibly different manner.

Unsurprisingly, the male student sued the school, claiming his complaints weren’t taken seriously until the female student made her complaint. Only then did the school act with “extraordinary haste and hostility” toward the male student, [according to the suit](#).

To be clear, complaints are drafted by the plaintiff, who has every incentive to tell their side of the story. Often, once litigation has been filed, facts emerge that demonstrate that institutions acted appropriately. Nevertheless, when a plaintiff can leverage a record of their own past complaints being treated dismissively, an institution quickly ends up on its back foot. The school settled the lawsuit before it reached the courtroom.

Lesson learned: Treat all Title IX filings seriously, and follow applicable policies. Do not let any view on the *ultimate merits* of a Title IX grievance impact the *process* afforded to it.

Victims have rights ... but so does the accused

When someone files an official Title IX complaint, schools are under heavy pressure not only to investigate the complaint but also to ensure campus safety. Further, many administrators understandably wish to assertively vindicate Title IX’s goal of eliminating discrimination. Sometimes, however, administrators or institutions confuse the stated goals of Title IX with the processes required.

In a [recent case at Cornell University](#) that took almost a decade to litigate, a physics professor was accused of rape and sexual misconduct in 2014. At the time, the professor had been up for tenure. The school denied the tenure request without a hearing, and a four-year Title IX investigation was underway.

By 2018, the school suspended the professor for two weeks, and his position ended later that year. The professor said Cornell’s investigation violated his constitutional right to due process, including denying him counsel during

interviews, ignoring witness testimonies, and preventing him from cross-examining his accuser.

The professor's lawsuit against the school was confidentially settled in 2025, with the professor's legal team calling it a ["favorable" settlement](#). Remember, even the prospect of a decade of litigation and conflict is expensive, invasive, and distracting – even if the institution ultimately prevails on the merits of the litigation.

Lesson learned: Partner with your legal team to ensure all constitutional rights are upheld during any investigation, protecting the rights of victims and the accused. Remember, any discipline under Title IX must follow the hearing process.

Don't just have policies, follow them

Colleges have recognized the immense pressure Title IX compliance places on them and have made monumental strides in developing attorney-approved, step-by-step policies outlining what school officials should do when they receive a Title IX complaint.

When a policy is well-constructed and followed, it provides strong evidence that students and staff are afforded all rights guaranteed to them by Title IX. On the other hand, when a policy is poorly constructed or not followed, the policy itself becomes powerful evidence for a plaintiff to claim their institution violated Title IX's requirements. Often, an institution will spend much of its litigation fighting its own policy.

The failure to follow established policies often arises from inadequate employee training, employee turnover within the established chain of command, or other institutional issues. The gaps in policy implementation can leave a school wide open to litigation, where an attorney can cite the school's official policy and highlight the mistakes made in implementing it.

Title IX coordinators should regularly review their policies, consulting with outside counsel as appropriate. All Title IX administrators and investigators should be well-versed in the processes contemplated by the policy. In the extraordinary circumstance that deviation from the policy is required, the reasons for doing so should be clearly documented and explained in advance to the parties.

Lesson learned: In a court case, proof that a school failed to follow its specific and standard Title IX policy is challenging evidence to overcome. Make sure all employees who touch Title IX know the policy and know how to follow it.

Navigating the complexities of Title IX investigations can be daunting, but learning from past experiences can help educational institutions avoid common pitfalls and ensure a fair process for all parties involved.

Saxton & Stump attorneys have worked with colleges and universities on dozens of Title IX complaints and investigations, learning new lessons from each one on the most effective ways to manage the process to achieve successful outcomes for all parties involved. If your school is working through an active or potential Title IX investigation and could benefit from our experienced team, please [contact me](#) or any member of the [Saxton & Stump Title IX Group](#) to ensure your Title IX process is robust, compliant, and effective at safeguarding the interests of your academic community.

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