

# Creating a School Climate to S.O.A.R.

## **Title IX**

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Title



# What is Title IX?

## In Education

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- ▶ Title IX is a federal law passed in 1972 aiming to end sexual discrimination in educational institutions.
- ▶ “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.”

# Title IX

## In Education

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- ▶ To ensure ALL have equal educational access to an education program or activity (Academic, Extracurricular, Research, Occupational Training, etc.) without experiencing unwelcomed conduct based on sex.
- ▶ To help foster an environment of understanding and respect for ALL members of the school community whether in person or virtually.

# Title IX

## In Education

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- ▶ The US Department of Education (DOE) is the administrative agency empowered by Congress to interpret Title IX.
- ▶ The DOE has issued a series of guidance documents stating that sex discrimination includes sexual harassment which includes sexual assault and that schools must address those offenses as a matter of sex equality.
- ▶ DOE released these new Title IX regulations which are moving away from the Obama-era guidelines.

# TITLE IX TRAINING REQUIREMENTS

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All Title IX Personnel  
(including staff and all  
mandatory reporters)  
must go through training  
on:

- Overtones of the New Regulations
- New Definitions
- Scope of our education program in regards
- Grievance process (Hearings, Appeals and Resolutions)
- How to avoid prejudice, conflicts of interest and bias

# OVERTONES OF NEW REGULATIONS

## Focus on Due Process

**Equitable Treatment:**

Of the accuser and the accused

**Eliminating immediate disciplinary actions taken against the accused.**

**Slowing down to take the time to review and investigate**

- K-12 cases tend get resolved faster than college/univ. cases
- New notice requirements

# Scope of Responsibility

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A school must respond when:

- The school has **ACTUAL KNOWLEDGE** of Sexual Harassment
- That occurred within the school's "education program or activity".
  - This includes locations, events or circumstances where the recipient exercised substantial control over the respondent and the context in which the sexual harassment occurred.
  - This is a broad definition... Did the conduct occur in a location/ context where the school:
    - Owned premises
    - Exercised oversight, supervision or discipline
    - Funded, sponsored, promoted or endorsed
- against a "person in the United States".



# ACTUAL KNOWLEDGE & DELIBERATELY INDIFFERENT

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- **Actual Knowledge:** means notice of sexual harassment or allegations of sexual harassment to the School's Title IX Coordinator, or any official of the school.
- This means ALL teachers and staff are required to report any allegations of misconduct that they witness or hear about to the Title IX Coordinator.
- The school's response must NOT be **Deliberately Indifferent.**
  - The school must not act in a way that is clearly unreasonable in light of the known circumstances.
  - Provide supportive measures, prompt contact, follow grievance process, NOT restrict constitutional rights, and meticulous record keeping.

# KEY DEFINITIONS

<u>Complainant</u>	<u>Respondent</u>	<u>Recipient</u>	<u>Formal Complaint</u>
<ul style="list-style-type: none"><li>- An individual who has reported being the victim of conduct that could constitute sexual harassment. (Parents may file on behalf of their children)</li></ul>	<ul style="list-style-type: none"><li>- An individual who has been reported to be the perpetrator of the conduct that could constitute sexual harassment.</li></ul>	<ul style="list-style-type: none"><li>- The institution charged with receiving and handling complaints, i.e. the school.</li></ul>	<ul style="list-style-type: none"><li>- A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation.</li></ul>



# SEVERE, PERVASIVE & OBJECTIVELY OFFENSIVE "S.P.O.O."

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**Severe:** means the conduct is extreme in nature. (Physical, violent, humiliating, threatening, etc.)

**Pervasive:** is especially of an unwelcome influence or physical effect. spreading widely throughout an area or a group of people.

**Objectively Offensive:** means something is so severe and pervasive that a reasonable person would find it offensive.

# Reporting Process

Contact Title IX Coordinator (In person, by phone, email or in writing)

Reporting Form: On school's website, front office or Title IX Coordinator

Investigation

Complainants Rights:  
Information about the case  
and outcomes (In writing)

Timeframe

Confidentiality



# TEAM ROLES

TITLE IX COORDINATOR  
INVESTIGATOR  
DECISION- MAKER  
APPEALS BOARD

# Outcomes

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- ▶ **Consequences/ Disciplinary Actions: (Prompt & Equitable)**
  - ▶ Schools can use general disciplinary procedures
  - ▶ Informal methods (e.g. mediation, switch classes)
  - ▶ Contact proper authorities (e.g. police)
  - ▶ Report to Office of Civil Rights

THANK YOU

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