





Title IX: All Employees Training



What is Sexual Harassment under Title IX?

Conduct on the basis of sex that satisfies one or more of the following:

- An employee of the school conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct (quid pro quo)
- Unwelcome conduct that based on the totality of the circumstances
 - is subjectively and objectively offensive **OR**
 - is so severe **OR** pervasive
 - that it **limits or denies** a person's ability to participate in or benefit from the Recipient's education program or activity
- Sexual assault, dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).



Hostile Environment

Harassment

Factors for evaluating whether a hostile environment exists:

- Complainant's ability to access the education program or activity
- Type, frequency, and duration of the conduct
- Parties' ages, roles, and previous interactions
- Location and context of the conduct
- School/District's control over the Respondent
- These are factors, not requirements
 - There could also be other factors to consider



Sex Discrimination

Discrimination on the basis of sex includes:

- Sex Stereotypes
- Sex Characteristics
- Pregnancy or Related Conditions
- Sexual Orientation
- Gender Identity



Notification to Students and Parents

- Each School must prominently display on their website and any handbook the contact information for the Title IX Lead Contact
- Each School must notify all parents/legal guardians of the name or title, office address, email address and telephone number of the Title IX Lead Contact



Important Title IX Terminology

Deliberately Indifferent

- Where the response to sexual harassment is clearly unreasonable in light of the known circumstances

Education Program or Activity

- Locations, events or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs
- Examples: aftercare, sporting events, field trips, band, theater, fine arts events



Important Title IX Terminology: District Personnel

District Wide Title IX Coordinator

- Dr. Ramos-Cruse, Students
- Department of Professional Standards (Employees)

Title IX Lead Contact

- Responsible for responding promptly to actual knowledge of sexual harassment, conducting the investigation coordinating the effective implementation of supportive measures
- Investigates the report
- May utilize other school administrators to assist in investigation as needed (Assistant Principals, Deans, TOSAs, SSCCs)

Decision Maker

- Principal or Regional Office designee ONLY
- Should not participate in the investigation
- Determines the discipline outcome



Important Title IX Terminology: Complainant & Respondent

Complainant

- No longer “alleged target”
- An individual who is alleged to be the victim of conduct that could constitute sexual harassment

Respondent

- No longer “alleged aggressor”
- An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment



Reports and Complaints

- “Verbal or written request to the Recipient that objectively can be understood as a request for the Recipient to investigate and make a determination about alleged sexual harassment or discrimination
- Complaints require action by the school/district when they are made to the
- TIXC, or any other non-confidential employee (almost everyone)
- Any person may report sexual harassment (whether or not the person is the alleged victim of the conduct reported)
- The report of sexual harassment may be provided in person, by mail, telephone, or electronic mail
- The report may be received at any time -- including non- business hours.



Supportive Measures

- Non-disciplinary, non-punitive, individualized services, offered as appropriate and without charge to a complainant or a respondent before or after the filing of a formal complaint, or when no complaint has been filed.
 - A supportive measure that completely removes a respondent from an activity would likely be considered punitive
- Designed to restore or preserve equal access to the education program or activity without “unreasonably” burdening the other party
- Include measures designed to protect the safety of all parties, the educational environment or deter sexual harassment
- The recipient must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures
- The Title IX Lead Contact is responsible for coordinating the effective implementation of supportive measures

Examples: counseling, schedule changes, increased monitoring, Stay Away Agreement, Safety Plan,

etc



Emergency Removal

A Recipient may remove a student Respondent from the education program or activity on an emergency basis, only after:

- Undertaking an individualized safety and risk analysis
- Determining if an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal
- Providing the Respondent with notice and an opportunity to challenge the decision immediately following the removal while respecting all rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act, as applicable



Key Points to Remember

- Any employee with **actual knowledge** of sexual harassment in an education program or activity of the recipient against a person in the United States, **must** respond promptly in a manner that is not deliberately indifferent.
- Students can report to **ANY** employee (custodian, bus driver, aftercare, food service worker, etc.)
- Supportive measures should be designed to restore or preserve equal access to the education program or activity without “unreasonably” burdening the other party. A supportive measure that completely removes a respondent from an activity would likely be considered punitive- unless an emergency removal is warranted.
- Emergency removal may be necessary in order to protect a student or other individual from an immediate **threat to physical health or safety**.



Contact

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