





Title IX: Investigator, Decision Maker, and Lead Contact Training FY25



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 or 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

Title IX: Prohibited Sexual Harassment

Severe

- Physical conduct is more likely to be severe
- Accompanied by threats or violence
- Consider the circumstances (e.g., the ability for Complainant to remove themselves from the harassment)

Pervasive

- Widespread
- Openly practiced
- Well-known among students – reputation of person, etc.
- Occurring in public spaces (more likely to be pervasive)
- Frequency of the conduct is often a variable in assessing pervasiveness (look to intensity and duration)
- Unreasonable interference with school



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Objectively Offensive

- Physically threatening
- Humiliating
- Intimidating
- Ridiculing
- Abusive
- Age and relationships of Complainant and Respondent
- Number of persons involved
- Frequency
- Severity





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: 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



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



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 confidential employee
- 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

Title IX - Quick Reference

Title IX:

- Sex-based harassment by classmates (or peers) that creates a hostile environment for the victim.
- For the harassment to be prohibited by Title IX, it must be “on the basis of sex,” which includes sexual harassment and gender-based harassment.
- Sexual harassment is unwelcome conduct of a sexual nature (many forms).
 - Sexual advances
 - Requests for sexual favors
 - Both verbal or non-verbal sexual conduct
 - Sexual touching, comments, jokes, gestures, writing

Examples of harassment under Title IX:

- A female student “hooked up” with a boy at her school, and now a group of girls are repeatedly texting her and tweeting about her at school, calling her a “slut” and a “whore.” **This is gender-based harassment.**
- Another female student sent her boyfriend “sexts” and pictures of herself naked. Then they break up. The boyfriend shares these sexts and photos with his friends at school to get back at her. He also spreads rumors about her sexual behavior. **This is sexual harassment.**
- A male student has mostly female friends, he sings Lady Gaga songs in the hallway and is on the dance team. Fellow students call him a “fairy,” “gay boy,” or “queer,” and tell him he should run for homecoming queen. **This is gender-based harassment.**



Title IX Investigator



District Policies

- [5.81 - Protecting Students from Sexual Harassment and Discrimination](#)
- [5.82 - Teen Dating Violence and Abuse](#)



Formal Complaint

- Determine:
 - Does the allegation meet the definition of Sexual Harassment- SPOO
 - If yes, then continue with Grievance Process
 - If no, then dismiss the complaint and provide notice to both parties of the Appeal Process
 - Did the incident take place in an educational setting or during educational activity
 - If yes, then continue with Grievance Process
 - If no, then dismiss the complaint and provide notice to both parties of the Appeal Process



Pre-Investigation

- Parent of Complainant notified
 - Provide parents with District Policy 5.81 and explain the Grievance Process- Formal vs. Informal
 - Parent to make decision to pursue Formal or Informal Grievance Process
- Supportive and safety measures implemented
 - Counseling
 - Schedule changes (non-disciplinary, non-punitive)
 - Stay Away Agreement
 - Safety Plan
 - Increased Monitoring
 - Check in/out
 - BHP or Outside Agency Referral
 - DCF Notified
 - School Police Notified



Formal Grievance Process

- No disciplinary action until the conclusion of the investigation
- Intake of Complaint Form 1615- in writing signed by Complainant or Title IX Lead Contact
- Notice of Allegation Form 2663 provided to Respondent (Include sufficient details & time to prepare a response *2 days)
- Complete PBS Form 2508 - Student Bullying, Harassment, Sexual Harassment, and Teen Dating Violence and Abuse Report
- Interview Respondent on date/time provided
- Interview witnesses (advise witnesses and their parents their names will be included to Complainant and Respondent in Investigation Report)



Formal Grievance Process.... cont.

- Draft Investigation Report (include questions asked and responses for each party interviewed)
- Complete PBS Form 2509- Student Investigation Summary (Do not select anything under Section IV. Indicate your Findings)
 - **HOPE Scholarship, Form 2616, offered at this step**
- Evidence and draft Investigation Report is shared with parties (delivered simultaneously)
- Complete PBS Form 2597- Student Investigation Summary (attach any evidence relating to the incident)
- Parties (Complainant and Respondent) have 10 days to review report, during which they can:
 - Introduce additional information that would aid in the investigation
 - Propose relevant questions to be asked of either party (Complainant and Respondent)
 - Any additional information or questions with answers and provided to both parties for review
- After 10 Days, Investigation Report and all evidence is provided to Decision-maker



Informal Grievance Process

- Complete PBSO Form 2665- Student Informal Title IX Resolution Agreement Summary
- Voluntary, written consent of the parties and their parent/guardian
- Not require the parties to confront each other or even be present in the same room
- A signed resolution agreement is signed by both parties
- A school, in its discretion can offer and facilitate informal resolution options, such as mediation or restorative justice, or other supportive and safety measures



Informal Grievance Process...cont.

- Complete PBSD Form 2508 - Student Bullying, Harassment, Sexual Harassment, and Teen Dating Violence and Abuse Report
- Complete PBSD Form 2509- Student Investigation Summary
- Complete PBSD Form 2597- Student Investigation Evidence (attach any evidence relating to the incident)



Absence of Formal Complaint

If the parent/ guardian of the complainant withdraws from the Formal Grievance Process and Informal Title IX Resolution Agreement Summary, schools are still required to complete and submit the following documentation:

- Complete PBS Form 1615- Original Intake of Complaint- If received In writing- Signed by Complainant/ Title IX Lead Contact (TXLC)
- Complete PBS Form 2508- Student Bullying, Harassment, Sexual Harassment, and Teen Dating Violence and Abuse Report
- Complete PBS Form 2663- Notice of Title IX Allegation (kept on file and attach to 2597 *not given to Respondent)
- Complete PBS Form 2509- Student Investigation Summary
- Complete PBS Form 2597- Student Investigation Evidence (**HOPE Scholarship, Form 2616, offered at this step**)

Student Code of Conduct may still apply based on the incident and could receive possible disciplinary action at any time.



Title IX Decision Maker



Decision Maker Process

- Investigator shares Investigation Report with the Decision Maker
- All District Investigation Forms (2508, 2509, 2597) and evidence is provided to Decision-maker
- Decision maker
 - Decision maker reviews all evidence and report to determine responsibility
 - May provide sanctions
 - Implementation of additional remedies for both parties
 - Written outcome and rationale for determination of responsibility
- Decision maker completes PBSD Form 2664- Determination of Responsibility
- Outcome of Investigation and grounds for Appeal shared with parties





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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