

Title IX

A •—————• B Grievance Process

Training for Title IX Coordinators,
Investigators, and Decision Makers

Office of Strategic Planning and Support Services
Department of Student Services



Title IX – WHAT IS IT?

On May 6, 2020, the United States Department of Education released its final rule under Title IX of the Education Amendments of 1972. **The final rule requires school districts to follow a specific Title IX Grievance Process while investigating allegations of sexual misconduct.**

The Office of Civil Rights of the United States Department of Education considers sexual misconduct (including sexual harassment, sexual violence, sexual assault and intimate partner violence) to be a form of sexual discrimination and **requires the school districts to take immediate and effective steps** to respond to sexual misconduct.

Title IX – WHAT IS IT?

ORIGINAL FOCUS OF TITLE IX

Men vs. Women Sports
Student Interest and Abilities
Athletic Benefits and Opportunities
Athletic Financial Assistance

CURRENT FOCUS OF TITLE IX

Sexual Harassment and Sexual Violence

Roles and Responsibilities

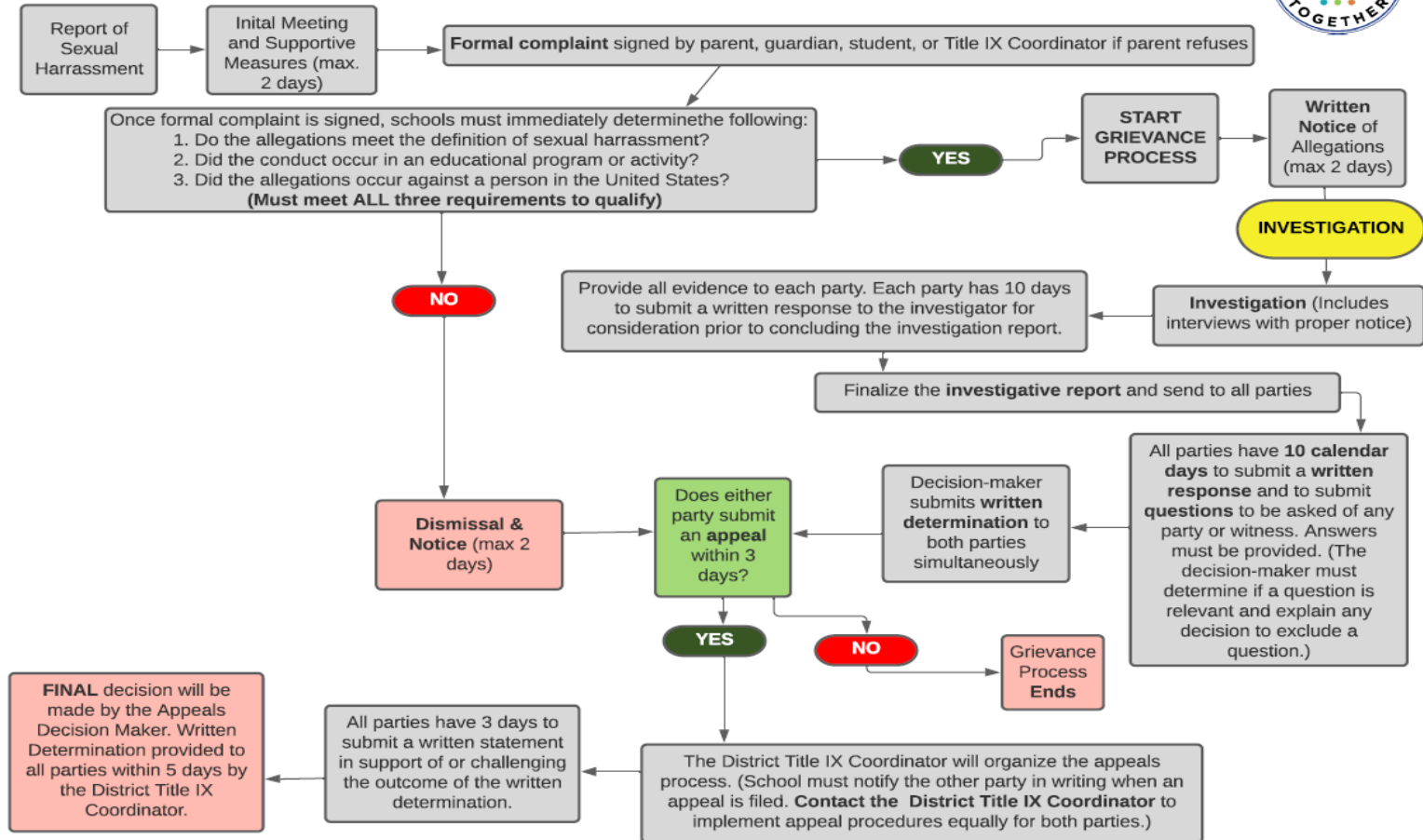
- Complainant
- Respondent
- Title IX Coordinator
 - District (Director of Student Services)
 - School-Based (Assistant Principal)
- Investigator (can be the same person as Title IX Coordinator – Assistant Principal)
- Decision Maker(s) K-12 (Principal)
- Appeals Decision Maker (Assistant Superintendent of Strategic Planning & Support Services)
- Hearing Officer (**Post Secondary only** – Coordinated by Director of Student Services)

What if one of our administrators is out?

Secondary – An Assistant Principal will step in to fill the vacant role.

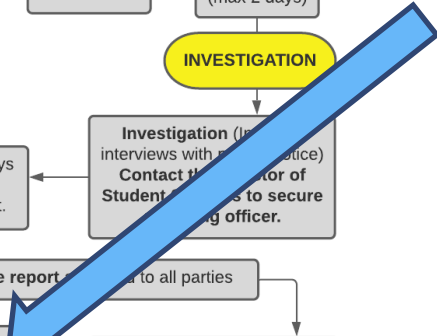
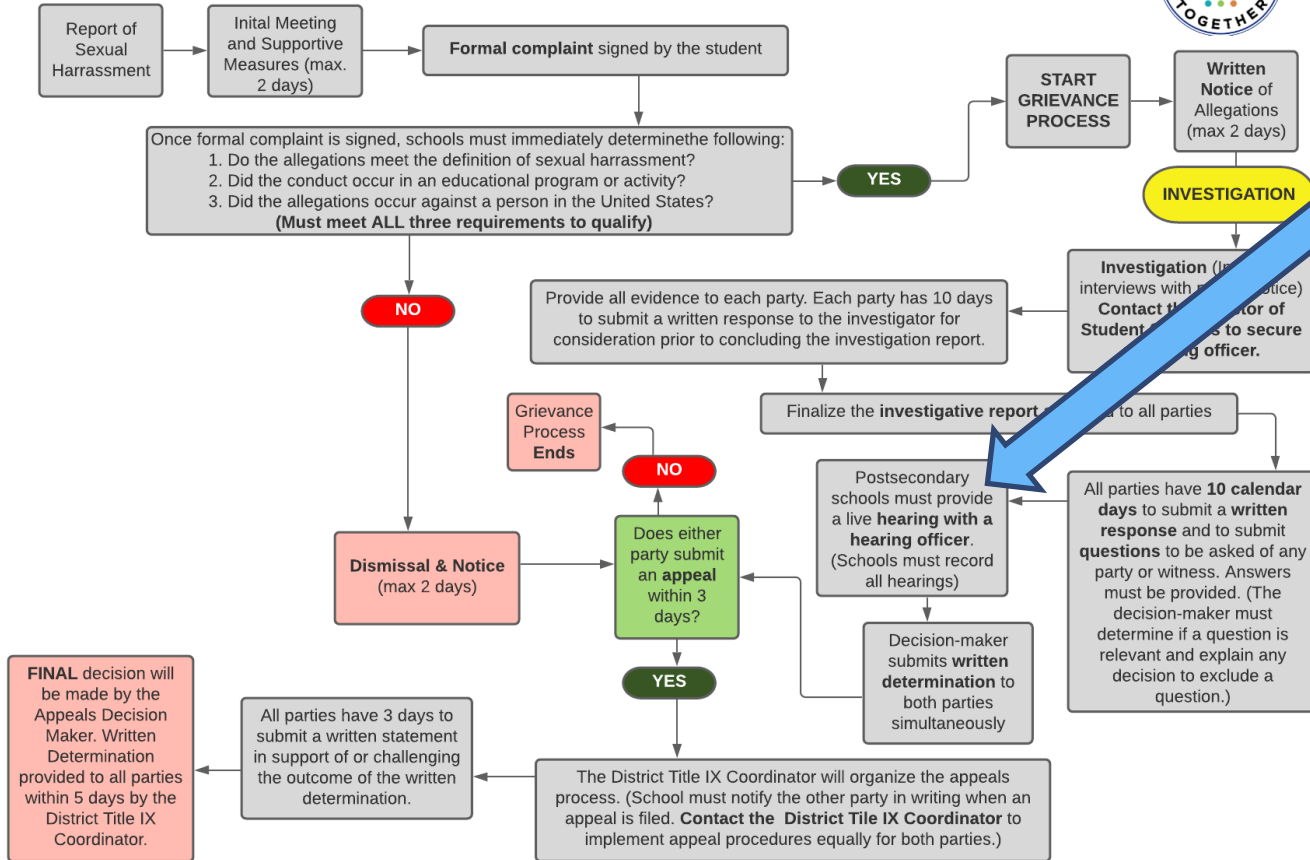
Elementary – The School Counselor will become the Title IX Coordinator and Investigator. The Admin will serve as the decision maker.

DEPARTMENT OF STUDENT SERVICES TITLE IX PROCESS FOR K - 12 STUDENTS



*All days unless otherwise noted are business days

DEPARTMENT OF STUDENT SERVICES TITLE IX PROCESS FOR POSTSECONDARY STUDENTS



The difference for Post Secondary Schools is the hearing.

Remember the hearing is mandatory and must be recorded.

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Key Term - Notice of Report

Means –

- **Title IX Coordinator knows directly or**
- **Official “with authority to take corrective action” knows directly**
- **At that point – there is an Initial Meeting and application of any Supportive Measures -**

Key Term - Formal Complaint

Must Satisfy ALL three (3) of the following questions:

1

Do the allegations meet the definition of sexual harassment?

2

Did the conduct occur in an educational program or activity?

3

Did the allegation occur against a person in the United States?

Key Term – Sexual Harassment

Sexual harassment is defined as conduct on the basis of sex that satisfies one (1) or more of the following:

- A school employee conditioning the provision of aid, benefits, or services on the individual's participation in unwelcome sexual conduct;
- Unwelcome conduct that a reasonable person would determine to be so severe, pervasive, and objectively offensive that it denies a person equal access to the education program or activity; or
- Sexual assault, as defined in the Clery Act, or dating violence, domestic violence or stalking, as defined in the Violence Against Women Act.

Title IX – Key Term – Supportive Measures

Supportive Measures

Apply in every instance where a school has notice of sexual harassment. No formal complaint has to be filed to utilize supportive measures. (106.30)

Can be administered:

- Before or after filing a complaint
- Or in instances where no formal complaint is filed
- Can continue throughout the time of responsibility

Can include, but not limited

- Non-disciplinary, non-punitive individualized services offered “as appropriate” to *complainant or respondent*.
- No fee or charge.
- *“Designed to”* restore or preserve access to educational program or activity “without unreasonably burdening the other party”.
- May include:
 - Protecting safety/security of all parties.
 - Counseling
 - Extensions of deadlines/course-related adjustments.
 - Work/class schedule adjustment
 - Campus escort services
 - Mutual** no contact restrictions.
 - One-way? Possible. Preamble, 30184.
 - Work/housing location changes
 - Leaves of absence.

DEPARTMENT OF STUDENT SERVICES TITLE IX PROCESS FOR K - 12 STUDENTS

Report of
Sexual
Harrasment

Initial Meeting
and Supportive
Measures (max.
2 days)

Formal complaint signed by parent, guardian, student, or Title IX Coordinator if parent refuses

Once formal complaint is signed, schools must immediately determine the following:

1. Do the allegations meet the definition of sexual harrasment?
2. Did the conduct occur in an educational program or activity?
3. Did the allegations occur against a person in the United States?

(Must meet ALL three requirements to qualify)

YES

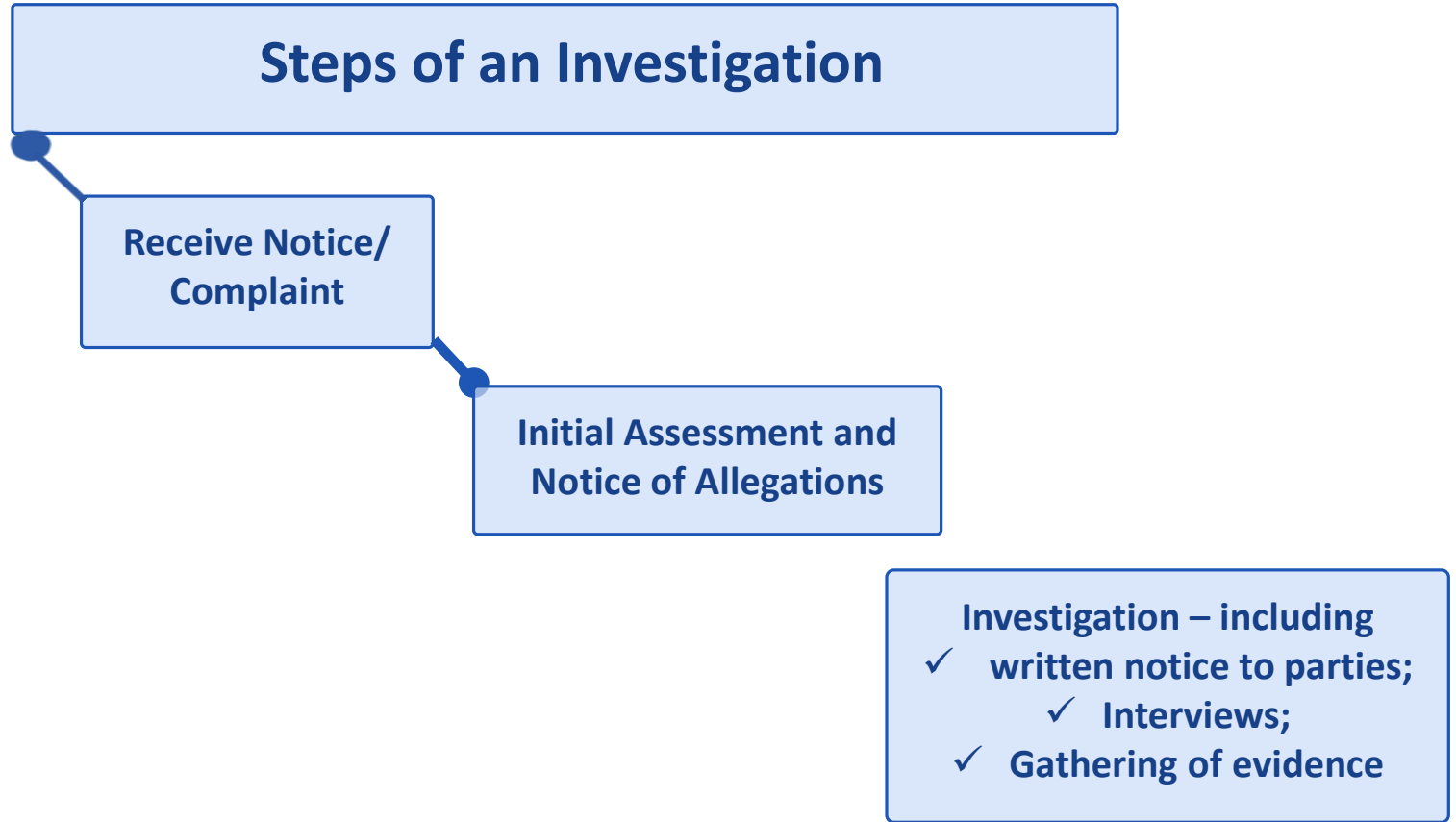
**START
GRIEVANCE
PROCESS**

Due Process Protections under the New Title IX Regulations

U.S. Department of Education
Office for Civil Rights

<https://youtu.be/GWVBdTviZKE>

Key Term - Investigation



Key Term - Evidence

Evidence gathered must be relevant/ pertinent to the issue presented (investigator must take an impartial stance)

Evidence must be shared- either through mail or electronic format- before completion of report

Both parties have the right to “inspect and review and respond” to any evidence obtained during the investigation that is directly related

Key Term – Investigation Report

Draft Report
(Before sharing report with the parties)

**Report should summarize
the relevant evidence**

Maintain confidentiality

**Report & evidence reviewed
with Title IX Coordinator**

Once reviewed provide all evidence directly to related to allegations to parties and their advisors for inspection and review with 10 days for response.

Key Term – Final Report

Send Final Report to decision-maker


Impartial Tone

**Cannot have any
conflict of interest**

**All parties are presumed
innocent until final
determination**

Key Term – Decision Maker Determination

Due Process in Decision :

- 
- **Must be appropriately impartial and fair (in findings and sanctions)**
 - **Decision should be based on fundamental fair policy or rule**
 - **Decision must have a rational and reasonable conclusion based upon the evidence**
 - **Clear written determination to be issued to both parties and include violations**

Key Term – Written Determination

Must Include :

Description of procedural steps taken in the process

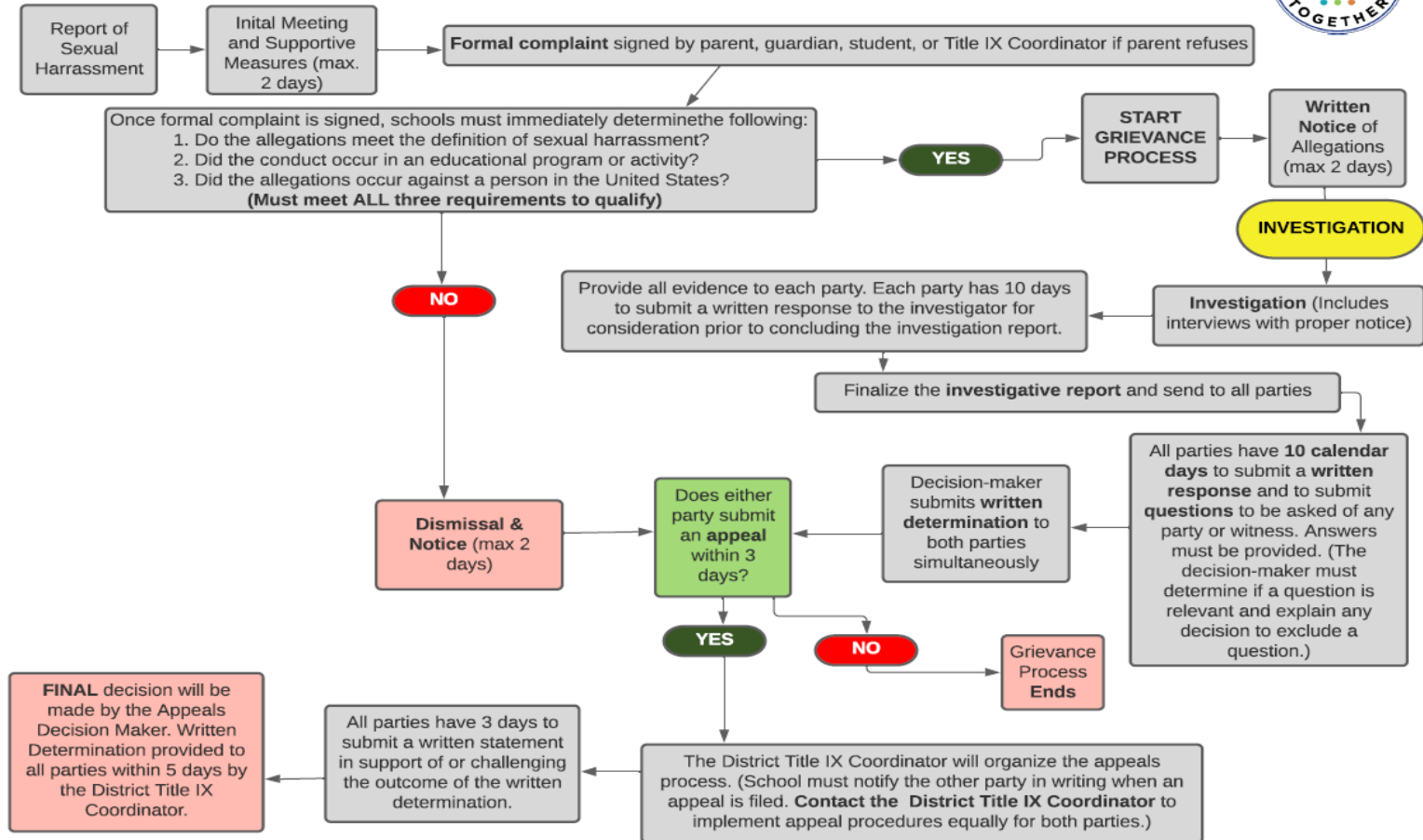
Statement of rationale for the result and should include supporting facts and application of policy to such

Sanctions imposed on Respondent

Any remedies provided to the Complainant to restore or preserve access to the educational program or activity

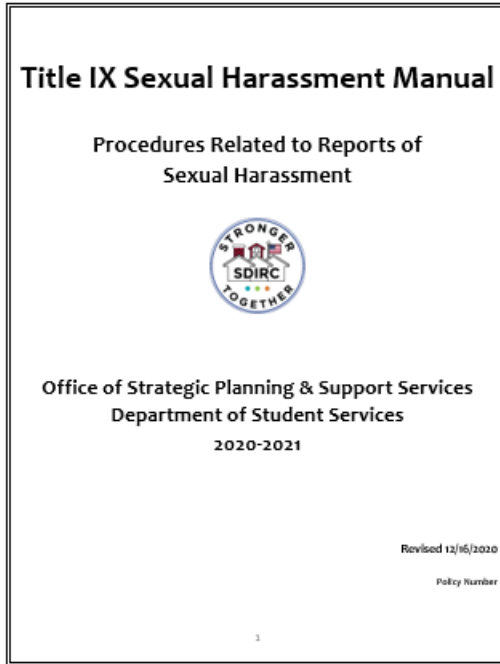
Information on procedures for an appeal (if applicable)

DEPARTMENT OF STUDENT SERVICES TITLE IX PROCESS FOR K - 12 STUDENTS



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Title IX Manual Coming Soon...



- Detailed Instructions for Title IX Process
- Forms
- Definitions
- Contact Information

Questions?

