

Title IX Overview for Administrators

Office of Strategic Planning & Support Services
Department of Student Services

Office of Human Capital & Operations
Department of Human Resources

2020 – 2021





TITLE IX – WHAT IS IT?

Title IX of the Education Amendments Act of 1972 is a federal law, enacted in 1972, which states:

“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 – 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



SEXUAL HARASSMENT

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

- ▶ A board employee conditioning the provision of aid, benefits, or services on the individual's participation in unwelcome sexual conduct (often called "quid pro quo" harassment);
- ▶ 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 district's 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.



SCOPE OF TITLE IX

Title IX applies to allegations that meet ALL of the following criteria:

- ▷ The conduct in question meets the definition of sexual harassment;
- ▷ The conduct occurred in an SDIRC education program or activity; and
 - Education program and activity includes locations, events, or circumstances over which SDIRC exercised substantial control over both the respondent and the context in which the sexual harassment occurs.
- ▷ The conduct occurred against a person in the United States

Title IX Process for Employees

Office of Human Capital & Operations

Department of Human Resources





ROLES AND RESPONSIBILITIES (ADULTS)

- District Title IX Coordinator for Employees
Dr. Edwina Suit, PHR, SHRM-CP - Director of Human Resources
- District Title IX Investigator(s) for Employees
Michelle Olk – Director of Employee and Labor Relations
Beth Hofer – Director of Recruitment, Retention, and Professional Practices
- District Title IX Decision Maker for Employees
Eric Seymour – Director of Advocacy, Athletics, & Student Activities
- Appeals Decision Maker – **Scott Bass** – Deputy Superintendent, HCO



REPORTING SEXUAL HARASSMENT

- Any person may report sexual harassment, regardless of whether the reporting person is the alleged victim of the conduct
- A report can be made in person, by telephone, by mail, or by electronic mail to the Title IX Coordinator.

Any incident involving a school employees must be reported to the District Title IX Coordinator for Human Resources.



WHO IS THE DISTRICT'S TITLE IX COORDINATORS?

FOR EMPLOYEES

Director of Human Resources
Dr. Edwina Suit, PHR, SHRM-CP

*You have a copy of the flowchart outlining the grievance process for employees.



REQUIRED TRAINING

All employees must do the Title IX Overview training through SafeSchools. This training will be pushed out December 4 via email and must be completed by January 31, 2021.

Title IX Process for Students

Office of Strategic Planning & Support Services

Department of Student Services





ROLES AND RESPONSIBILITIES (STUDENT)

- 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.



REPORTING SEXUAL HARASSMENT

- ▶ Any person may report sexual harassment, regardless of whether the reporting person is the alleged victim of the conduct
- ▶ A report can be made in person, by telephone, by mail, or by electronic mail to the Title IX Coordinator.
 - The Title IX Coordinator's information must be posted on the website.

All school employees are obligated to report any knowledge of sexual harassment to the school-based Title IX Coordinator.



WHO IS THE DISTRICT'S TITLE IX COORDINATORS?

FOR STUDENTS

Director of Student Services

Robyn Bethel



REQUIRED TRAINING

The school-based Title IX Coordinators, Investigators, and Decision Makers must be trained in depth on the follow:

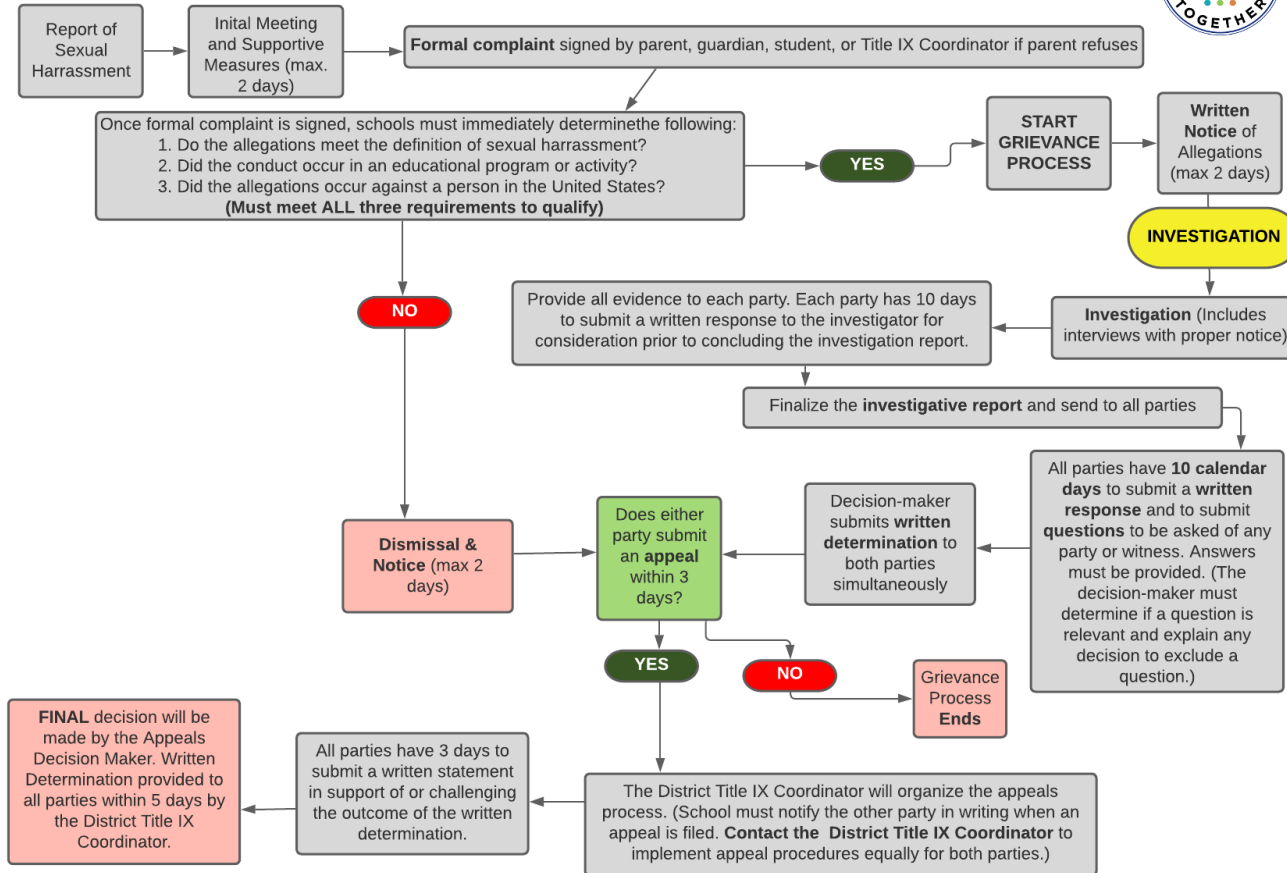
- Title IX's definition of "sexual harassment"
- How to conduct an investigation
- The steps, requirements, and timeline of the grievance process

All principals, assistant principals, and elementary school counselors must be trained on the grievance process.

Let's Practice



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



*All days unless otherwise noted are business days

12/14/2020



WOULD THIS QUALIFY FOR TITLE IX?

Scenario 1

A school cafeteria worker overhears Student A tell Student B that Student A was sexually abused by Student A's significant other in a classroom last weekend after band practice. Does the cafeteria worker have to report this?

Would this scenario qualify for Title IX?

YES



WOULD THIS QUALIFY FOR TITLE IX?

Scenario 2

A teacher overhears Student A in the hallway telling Student B that her boyfriend grabbed her butt on the way to class. Does the teacher have an obligation to report this?

Would this scenario qualify for Title IX?

YES



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Scenario 1

A school cafeteria worker overhears Student A tell Student B that Student A was sexually abused by Student A's significant other in a classroom last weekend after band practice. Does the cafeteria worker have to report this?

Scenario 2

A teacher overhears Student A in the hallway telling Student B that her boyfriend grabbed her butt on the way to class. Does the teacher have an obligation to report this?



Title IX Questions?