Title IX Update
Title IX Coordinators

• Title IX Coordinator for Students: Mike Evelti

• Title IX Coordinator for Employees: Allen Bowen
Board Policies Impacted

- **GAAA**: Equal Opportunity Employment
- **GAEB**: Sexual Harassment of Employees
- **JAA**: Equal Educational Opportunities
- **JCAC**: Sexual Harassment of Students
Title IX Update

• What does Title IX actually say?

• NO PERSON IN THE UNITED STATES SHALL, ON THE BASIS OF SEX, BE EXCLUDED FROM PARTICIPATION IN, BE DENIED THE BENEFITS OF, OR BE SUBJECT TO DISCRIMINATION UNDER ANY EDUCATION PROGRAM OR ACTIVITY RECEIVING FEDERAL FINANCIAL ASSISTANCE
Title IX Update

• **Quid Pro Quo** (Typically an employee/employer issue)
  An employee of the recipient conditioning the provision of aid, benefit, or service of the recipient on an individual’s participation in unwelcome sexual conduct

• **Hostile Environment** (Student vs. Student)
  Unwelcome conduct determined by a reasonable person to be so severe, pervasive, "and" objectionably offensive that it effectively denies a person equal access to the recipient’s educational program or activity

• **Clery Act/Violence Against Women Act** (Staff on Staff?)
  Sexual assault – example: seduction, incest, indecent exposure
Title IX Update

Concerns and Implications:

Domestic Violence (employees)

Dating Violence

Stalking
• Actual Knowledge: (Expands to ALL GCS employees)

• Notice of sexual harassment or allegations of sexual harassment to a school's Title IX Coordinator or any official of the school who has authority to institute corrective measures, or to any employee of an elementary and secondary school.

• Notification becomes a legal obligation
Title IX Update

• Complainant: an individual who is alleged to be the victim of conduct that could constitute sexual harassment
• In K-12 also means parent or guardian of student
• Any person can report sexual harassment and trigger recipient's (LEA) obligation to respond. (Victim, bystander, witness, friend, or any other person)
• **Respondent**: means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

• **Recipient**: The school district that has the responsibility to respond.
The Obligation to Respond

A school is obligated to respond when:

1. The school has actual knowledge of sexual harassment
2. The act occurred within the school's own "education program or activity".
3. Against a "person in the United States"

A school must respond promptly and meaningfully to every report of sexual harassment.
How are districts supposed to respond?

- Building Level Administrators must immediately contact Title IX Coordinator
- Title IX Coordinator contacts Complainant
- Title IX investigates; provides supportive measures and explains potential formal procedure process.
- The goal is restoration and to find common ground without a formal complaint. (80-day process)
Supportive Measures

- Non-disciplinary, non-punitive individual services designed to restore or preserve equal access to educational program/activity without unreasonable burdening the other party.
  - Without fee/charge
  - Counseling, deadline extensions
  - Modification of class/work schedule
  - Revised seating assignments
  - Increased monitoring
Student Discipline

• Reminder:

• Student conduct involving sexual discrimination or sexual harassment invokes Title IX and should be handled differently than other conduct/discipline.
Focus on the Process

• Employee becomes aware of alleged sexual harassment
• Title IX Coordinator is immediately made aware of allegation
• Title IX Coordinator (with legal guidance) determines if action rises to level of sexual harassment under Title IX
• Preceding steps should happen as soon as possible and BEFORE school level administrator resolves discipline issue
Sexual Harassment?

- Quid Pro Quo

- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectionably offensive that it effectively denies a person equal access to the recipient's educational program or activity.

- Clery Act/Violence Against Women Act

- If NO: handle through the discipline process, but do not forget supportive measures, and documentation.
Formal Complaint

• A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail.
Timeline
The Decision-Maker (Alice Mashburn) makes the final determination when a formal complaint is filed.

This person cannot be the Title IX Coordinator or the Investigator.

Equal access to educational program/activity will be provided by the recipient (LEA) to the Complainant.
Next Steps

• Educate and inform all staff members of their responsibilities under Title IX

• Compliance Director has added new Title IX module

• [Title IX Regulations and Information for K-12 Educators](#)