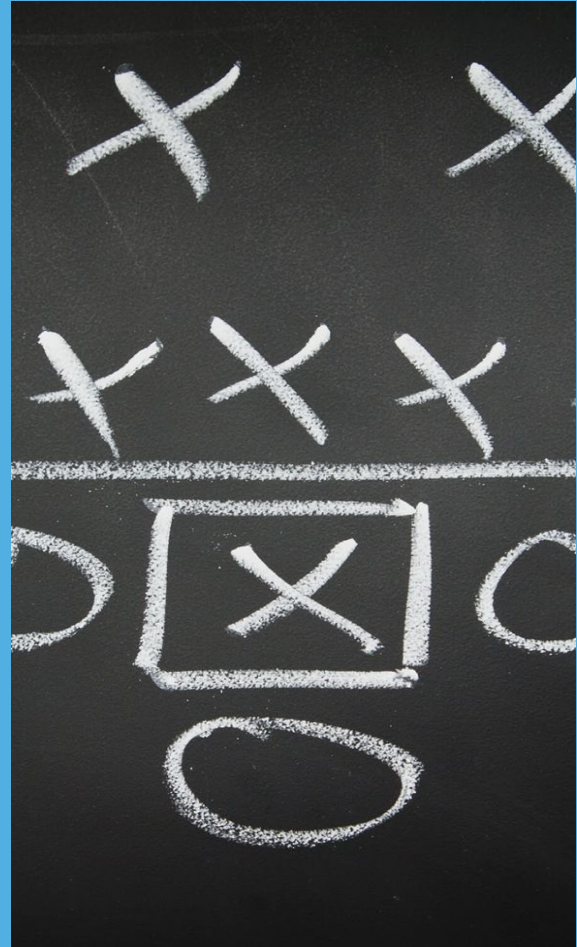


Title IX: “Checking your Blind Side”

TITLE IX







“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.”

June 23, 1972

Title IX - Covers



- Gender Discrimination
- Athletics
- Pregnancy & Parenting
- Programs & Courses
- Employment
- Sexual Harassment



Administrator Role

Supportive Measures

Emergency Removal

Gender Discrimination

Resolve Referrals from Title IX Office



In Loco Parentis

“Acting or done in the place of a parent.”



ALL NHCS employees have a duty to keep students safe from sexual harassment.

Duty = Reporting when there's actual knowledge of sexual harassment.



In Loco Parentis - Actual Knowledge

“Notice of conduct that could constitute sexual harassment”



1. Direct Report
2. Secondary Report (3rd party report & rumors)
3. Direct Observation

“Within NHCS Programs & Activities”

Title IX - Scenarios



- Student on Student
- Adult on Adult
- Adult on Student
- Student on Adult

Sexual Harassment



- Quid Pro Quo
- Dating Violence
- Stalking
- Sexual Assault
- Domestic Violence
- Davis Standard

Definitions



- Quid Pro Quo - an employee of the school system conditioning the provision of an aid, benefit, or service of the school system on an individual's participation in unwelcome sexual conduct
- Dating Violence - Violence committed by a person who is/has been in a social relationship of romantic/intimate nature with the victim
- Stalking - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (i) fear for their safety or the safety of others or (ii) suffer substantial emotional distress
- Sexual Assault - (Rape, Statutory Rape, Fondling, Incest)
- Davis Standard - (Catch all or involves speech) - unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school system's education program or activities



Sexual Harassment - Examples

- unwelcome sexual advances
- unwelcome requests for sexual favors
- unwelcome touching that has sexual connotations or is of a sexual nature
- pressure for sexual activity
- repeated offensive sexual flirtations, advances, or propositions
- continued or repeated verbal remarks about an individual's body
- sexual assault
- the display of sexually suggestive drawings, objects, pictures, or written materials
- posting sexually suggestive pictures of a person without the person's consent
- forwarding pornographic material depicting a classmate or other member of the school community
- suggestions or demands for sexual involvement accompanied by implied or overt promises of preferential treatment or threats

Definitions



- Quid Pro Quo - an employee of the school system conditioning the provision of an aid, benefit, or service of the school system on an individual's participation in unwelcome sexual conduct
- Dating Violence - Violence committed by a person who is/has been in a social relationship of romantic/intimate nature with the victim
- Stalking - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (i) fear for their safety or the safety of others or (ii) suffer substantial emotional distress
- Sexual Assault - (Rape, Statutory Rape, Fondling, Incest)
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Sexual Harassment - Table Top #1

Sarah works as a custodian. During breaks, Robert (Sarah's co-worker) often makes gestures such as winks and blowing kisses at Sarah. Robert also tells other co-workers that Sarah is his "Bae." Sarah reports these incidents and states she feels uncomfortable.

Do Robert's actions violate any NHCS Title IX sexual harassment definitions? Explain why or why not using the sexual harassment definitions.



Table Top #1 - Answer

Maybe

It may violate the Davis Standard of Title IX sexual harassment. It's most likely objectively offensive behavior. It's arguable that it is severe behavior. There are not enough facts to determine whether the conduct is pervasive because we do not know how many other people are aware of the behavior. Whether the conduct effectively denied Sarah equal access to work opportunities depends on the impact on Sarah. The facts say Sarah is uncomfortable but we're not sure if that is a "barrier" to work.



Sexual Harassment - Table Top #2

Cameron, a female student, sent her boyfriend Alex “sexts” and pictures of herself naked. Cameron and Alex break up. Alex then shares Cameron’s sexts and photos with 3 of his friends at school to get back at Cameron for breaking up with him. Alex also spreads rumors about Cameron’s sexual behavior. Cameron’s messages have now spread to 60% of the school. Cameron is very upset and wants to attend a new school.

Do Alex’s actions violate any NHCS Title IX sexual harassment definitions? Explain why or why not using the sexual harassment definitions.



Table Top #2 - Answer

Yes, Davis Standard Sexual Harassment. The conduct is unwelcome to Cameron as evidenced by Cameron being very upset. The conduct is severe (spreading nude pictures of a classmate without consent would be severe behavior to a reasonable, objective person). The conduct is pervasive as it has been spread to 60% of the school. The conduct is objectively offensive as a reasonable, objective person would be offended by the conduct.

It could also be stalking. It's arguable that Alex engage in a course of conduct (2 or more actions) by sharing the sexts and then sharing the photos. A reasonable person would suffer substantial emotional distress by the actions of Alex.



Sexual Harassment - Table Top #3

Johnny is the star quarterback for the high school football team and recently led the team to winning a state championship. Ashley is a student as well and attends the parade celebrating the team with her friends. Ashley sees Johnny driving his truck in the parade and tells her friends “he’s so cute.” The following week, Ashley sees Johnny’s truck in the student parking lot and leaves a note on his windshield that says “you’re hot, let’s hook up” with her phone number and name. The following week Ashley leaves a similar note in Johnny’s locker. Johnny says that Ashley has sent him similar Google chat messages. Johnny tells his friends Ashley is “weird” and continues to try and ignore her. Do Ashley’s actions violate any NHCS Title IX sexual harassment definitions? Explain why or why not using the sexual harassment definitions.



Table Top #3 - Answer

Yes, Stalking. Here, Ashley has engaged in a course of conduct: leaving a note on the car, leaving the note in the locker, sending the google chats. Johnny has not suffered substantial emotional distress and it is arguable whether a reasonable, objective person in Johnny's shoes would suffer substantial emotional distress.



Sexual Harassment - Table Top #4

Walker is an 8th grade student in the district. Walker and his friends have a game where they slap the buttocks of unsuspecting students, both male and female, as hard as possible during hallway transitions. Most students find the behavior annoying but a few other students avoid the 8th grade hallway when possible due to Walker's actions. Do Walker's actions violate any NHCS Title IX sexual harassment definitions? Explain why or why not using the sexual harassment definitions.



Table Top #4 - Answer

Yes, Davis Standard Sexual Harassment. Here, the conduct is unwelcome since the victims are upset. Walker is also engaging in behavior a reasonable, objective person would most likely find offensive and severe. The behavior is most likely pervasive but there are more facts needed to determine how many students have been subjected to the behavior. It is arguable that it is denying an equal opportunity as some students are avoiding the 8th grade hall, which is arguable a barrier to use of the entire school building.



Sexual Harassment - Table Top #5

Susan and Mark are sophomores. Susan and Mark dated their freshman year but broke up. Mark has a new girlfriend during his sophomore year named Emily. Susan sends social media messages saying that she is going to fight Emily for stealing Mark. Susan punches Emily and starts a fight at school with Emily the following week. Do Susan's actions violate any NHCS Title IX sexual harassment definitions? Explain why or why not using the sexual harassment definitions.



Table Top #5 - Answer

No. Not dating violence. Susan and Emily were not in a dating relationship.

It's arguable that it is stalking. There was a course of conduct by Susan directed at Emily: (1) sends social media message; (2) fighting Emily. It depends on if those actions would cause a reasonable person to suffer substantial emotional distress, if in Mark's shoes.



Grooming Red Flags (sexual harassment)

- **Targeting** - providing special attention, activities, or gifts.
 - Handwritten notes to and from students, providing late passes from class
- **Isolating** - physical and emotional isolation.
 - 1 on 1 interactions, social media, texting, encouraging secrets, unprofessional/inappropriate sexual or romantic language, etc.
- **Crossing physical boundaries** - gradually crossing physical boundaries.
 - Full frontal hugs that last too long, making kids sit in their laps, “accidental” touches of private areas. Inappropriate physical touching (does not have to be sexual in nature).

REPORT, REPORT, REPORT



Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

Supportive measures = to restore or preserve equal access to NHCS' education program and activities without unreasonably burdening the other party (barriers)



Supportive Measures

- counseling
- mental health services referral
- extensions of deadlines or other course-related adjustments
- modifications of work or class schedules
- escort services
- mutual restrictions on contact between the parties
- changes in work locations
- increased security and monitoring
- other similar measures determined by school officials to be necessary to protect the safety or educational or employment activities of a party



Emergency Removal

When a school is notified of sexual harassment allegations, any respondent may be removed on an emergency basis when an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal.

Examples of actions that may be considered an emergency removal include:

- Out of school suspension or expulsion (OSS, LTS)
- Involuntary transfer to an Alternative Learning Program/School under Policy 3470
- Removal from athletic teams or extracurricular activities

Examples of actions not considered an emergency removal include supportive measures such as:

- Temporary (or permanent) classroom or bus adjustments or changes
- Voluntary transfer to an Alternative Learning Program/School (still must follow Policy 3470)
- Temporary restrictions of an NHCS account pending an investigation



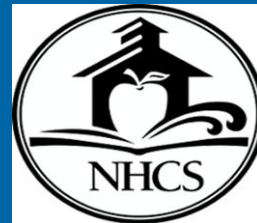
Emergency Removal - Analysis

- (1) Immediate threat (and)
- (2) To the physical health or safety of any person (and)
- (3) Arising from allegations of sexual harassment

Note

- Emergency removal teams should consider what steps have been taken, or could be taken, by the school to mitigate the threat moving forward before implementing a removal.

Emergency Removal



TITLE IX STUDENT EMERGENCY REMOVAL CHECKLIST & FORM

PLEASE EMAIL COMPLETED FORM TO "titleix@nhcs.net" or "jarelle.lewis@nhcs.net"

Date:

Respondent Name:

Persons at Meeting:

Is there an "immediate threat"?: Yes No (explain below)

Is there a threat to "physical health or safety"?: Yes No (explain below)

Is the threat "arising from sexual harassment allegations"?: Yes No (explain below)

Have tools to mitigate the threat been considered by the school in order to avoid removing Respondent?: Yes No (explain below)

Does Respondent have a 504 or IEP?: Yes No

Is removal Being Recommended?: Yes No

Describe the removal being recommended and why: (if applicable explain below)



Emergency Removal Due Process

In all cases where an emergency removal is imposed, the Respondent must be notified of the removal decision and provided an opportunity to challenge the removal via an informal hearing with the principal or principal's designee.

When Title IX emergency removal is from athletic teams or extracurricular activities, notice and informal hearing to challenge the removal decision can occur after removal has occurred.



Emergency Removal Due Process

- When Title IX emergency removal is an out of school suspension, schools must comply with NHCS Policies 4351 and 4352 regarding notice and informal hearing to challenge the removal decision.
- When Title IX emergency removal is a transfer to an Alternative Learning Programs/Schools, schools must comply with NHCS Policy 3470 regarding notice and informal hearing to challenge the removal decision.
- When Title IX emergency removal involves a Respondent with a disability, schools must comply with all applicable NHCS policies and laws regarding students with disabilities.



Table Top - Emergency Removal #1

Cory and Rebecca used to date until Rebecca broke up with Cory. The next morning, Cory approached Rebecca asking that she reconsider the breakup. During the conversation, Cory became agitated and pushed Rebecca down and began dragging her by her bookbag in the hall. Can Cory be removed as a Title IX emergency removal? Please explain.



Table Top - Emergency Removal #2

Amy has accused Eric of sexual assault. Amy has begun telling friends and classmates that Eric sexually assaulted her. Eric denies the incident; however, Amy still claims Eric assaulted her. Eric posts a message on social media saying that “I’ll shut her up for good tomorrow” with an image of a UFC fighter bloodied and badly beaten after a fight. Amy reports that she is scared of what Eric will do and comes to administration for help. Eric has had no history of behavioral concerns or physical altercations. Can Eric be removed as a Title IX emergency removal? Please explain.



Table Top - Emergency Removal #3

Adam sent sexually explicit images to Sara with Sara's consent. Sara showed some of her friends the images Adam sent her without his consent. Adam was upset at Sara and told his older sister Carla (who also attends the school) what Sara did. Adam asked Carla to get back at Sara on his behalf. Carla began telling her friends that she was going to "beat Sara's _____", which eventually got back to Sara. Sara reported Carla's threat to the administration. Can Carla be removed as a Title IX emergency removal? Can Adam be removed as a Title IX emergency removal? Please explain.



Table Top - Emergency Removal #4

Sandy and Tom are classmates. Sandy is a popular cheerleader and has been bullying Tom because he wore knock off Jordans. During 2nd period, Sandy took a picture of Tom's shoes and shared them with the entire school via her social media with the caption "WHAT ARE THOOOOOSE???" and tagged Tom. Tom is fed up and starts a physical fight with Sandy in the hall the next school day. Can Tom be removed as a Title IX emergency removal? Please explain.



Table Top - Emergency Removal #5

Brianna and Stephanie are classmates in elementary school. Brianna has been telling dirty, sexual jokes to Stephanie during class. Brianna told her mom about Stephanie's sexual jokes. Brianna's mom has asked that Stephanie be removed from Brianna's class. Can Stephanie be removed as a Title IX emergency removal? Please explain.

Principal or Building Supervisor - Reporting



- “Immediately” report sexual harassment
- Best to report in writing
- Don’t forget about DSS and Law enforcement reporting requirements when applicable



Ethix 360 - Reporting



STEP ONE: Go to www.nhcs.net (NHCS homepage)

STEP TWO: Select the "report a concern" link at the top of the homepage



STEP THREE: Select "report a concern" on the Ethix360 landing page

It's OK to Reach Out

Thank you for reaching out to the NHCS Concerns and Resolution Process Center. Our goal is to make NHCS a better place for employees, students, families and our community. The NHCS Concerns and Resolution Process Center is a confidential, 24-hours-a-day, 365-days-per-year service that you can access from any location. Reports may be made on either an anonymous or named basis. This website is hosted by ETHIX360, an independent third party not part of NHCS. You may report anonymously with confidence on this site if you choose. Anyone can log into the NHCS Concerns and Resolution Process Center to make a report regarding bullying, harassment, discrimination or any other concerns. In order to assist in the investigation, those reporting potential violations are encouraged to identify themselves; however, anonymous reports will also be accepted and investigated.

ETHIX360

Anonymous and Confidential 24/7



STEP FOUR: Check the box to confirm you understand Ethix360 is not for reporting emergencies

STEP FIVE: Create numeric pin

- The numeric pin can be any combination of numbers you choose

STEP SIX: Fill out the electronic report form

- Complete the electronic form to the best of your ability based on what you know at the time
- The second box from the top will ask “what is your relationship to NHCS?” (Select “Staff” from the drop down menu)

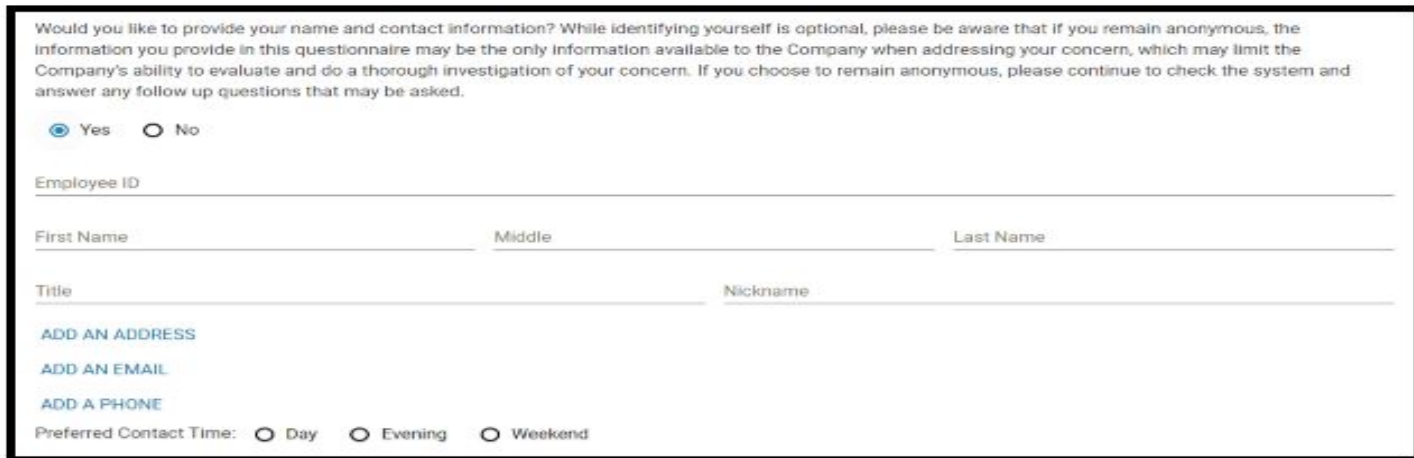


What is your relationship to NHCS?

- Concerned Citizen
- Parent / Guardian
- Staff**
- Student

...ort properly, it is important that the company knows the location of the concern. Please let us know the location you are reporting about:

- The final question will ask “would you like to provide your name and contact information?” (Select “yes” and provide your name and position title)



Would you like to provide your name and contact information? While identifying yourself is optional, please be aware that if you remain anonymous, the information you provide in this questionnaire may be the only information available to the Company when addressing your concern, which may limit the Company's ability to evaluate and do a thorough investigation of your concern. If you choose to remain anonymous, please continue to check the system and answer any follow up questions that may be asked.

Yes No

Employee ID _____

First Name _____ Middle _____ Last Name _____

Title _____ Nickname _____

[ADD AN ADDRESS](#)

[ADD AN EMAIL](#)

[ADD A PHONE](#)

Preferred Contact Time: Day Evening Weekend



STEP SEVEN: select "submit" to send the electronic form to NHCS

NHCS takes all incident reports seriously and will, as appropriate, conduct an investigation and take necessary measures, including disciplinary action or prosecution, when warranted. By submitting this report, you are acknowledging that this report is truthful and accurate and reflects your own experience. Next, you will be provided with a case number and instructions on how to check the status of your concern.



Title IX Department - Reporting



Jarelle Lewis
Title IX Coordinator



John Henry
Title IX Investigator



Kim Joye
Title IX Administrative
Assistant/Paralegal

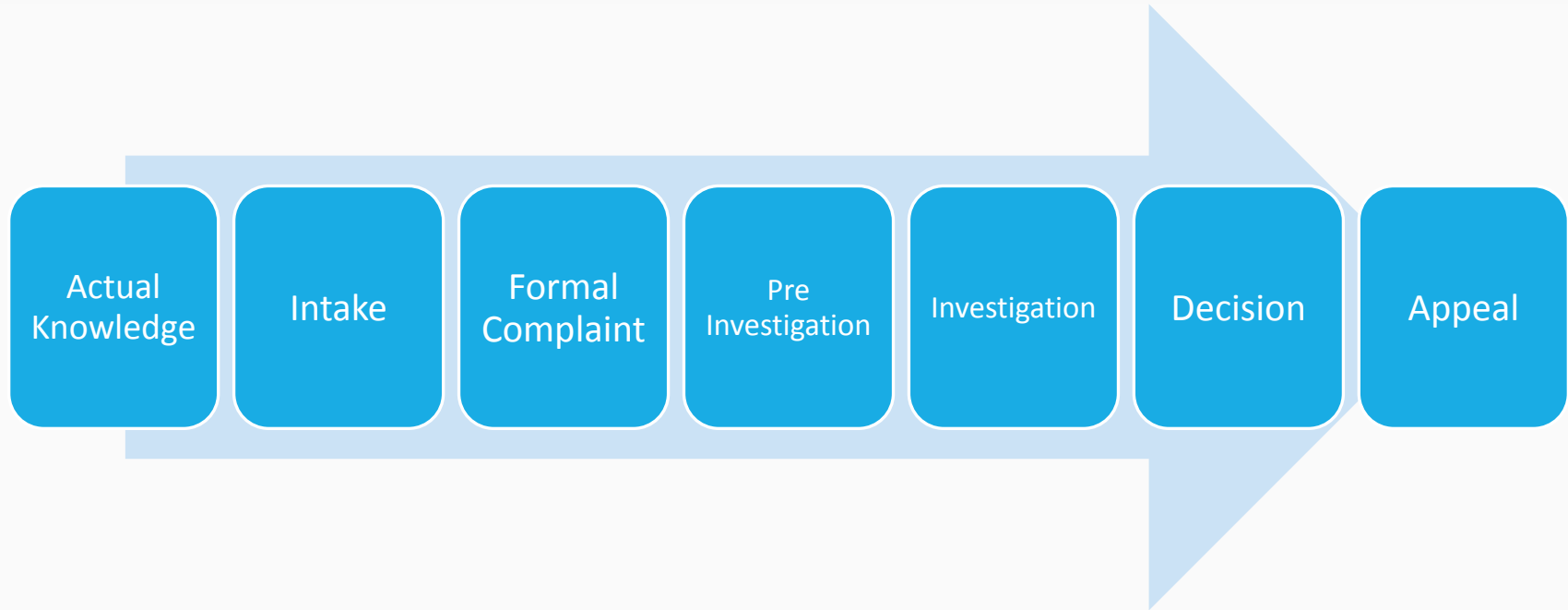
Contact Information

Office Address: 6410 Carolina Beach Rd, Wilmington, NC 28412

Email Address: titleix@nhcs.net

Phone Number: (910) 254-4200

Title IX Sexual Harassment Grievance Process





Gender Discrimination

- Treating a person differently because of their sex (or gender stereotyping)
- Protects sexual orientation, gender identity, & gender expression



The Gender Unicorn

Graphic by:
TSER
Trans Student Educational Resources



Gender Identity: *How I identify.*

One's internal sense of being male, female, neither of these, both, or another gender(s). For transgender people, their own internal sense of gender identity and their sex assigned at birth are not the same.

Gender Expression/Presentation: *How I look and express myself.*

The physical manifestation of one's gender identity through clothing, hairstyle, voice, body shape, etc. Most transgender people seek to make their gender expression (how they look) match their gender identity (who they are), rather than their sex assigned at birth.

Sex Assigned at Birth: *The sex classification that I was assigned at birth.*

The assignment and classification of people as male, female, intersex, or another sex based on a combination of anatomy, hormones, and chromosomes. This is usually decided at birth or in utero, and is usually based on genitalia.

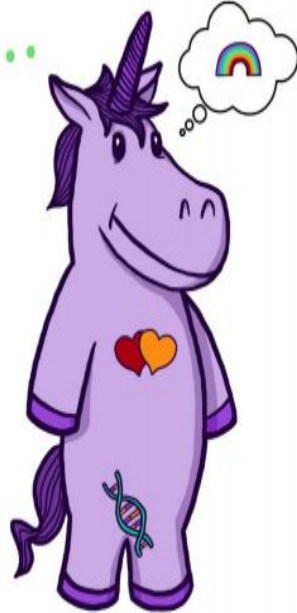
Sexually Attracted To: *Whom I am sexually attracted to.*

The group of people or genders to which a person can become sexually attracted to, if at all.

Romantically/Emotionally Attracted To: *Whom I am romantically/emotionally attracted to.*

The group of people or genders to which a person can become romantically, emotionally, or spiritually attracted to, if at all.

Examples of Genders: We included "other genders" to indicate the many genders that other people might identify as, express themselves as, and be attracted to. Examples of these genders include: Agender, Bigender, Genderfluid, Genderqueer, Transgender, Non-binary, Gender Non-Conforming and Two-Spirit.



Gender Identity

- Female / Woman / Girl
- Male / Man / Boy
- Other Gender(s)

Gender Expression

- Feminine
- Masculine
- Other

Sex Assigned at Birth

- Female
- Male
- Other/Intersex

Physically Attracted to

- Women
- Men
- Other Gender(s)

Emotionally Attracted to

- Women
- Men
- Other Gender(s)

To learn more, go to:
www.transstudent.org/gender

Design by Landyn Pan and Anna Moore



Gender Discrimination - Examples

- **motivated by the victim's gender, gender identity, or gender stereotypes**
 - acts of disrespect, intimidation, or threats
 - verbal taunts, name-calling and put-downs, epithets, derogatory or lewd comments, spreading rumors, implied or stated threats, assault
- **different treatment**
 - athletics
 - punishing a student more harshly
 - intentionally referring to a transgender student by a name or pronoun that does not correspond with the student's stated gender identity
 - not allowing a transgender student to use the restroom matching gender identity



Inclusive Environment - Best Practices



- Visibility & representation
- Gender neutral & preferred language
- Classroom audit
- Create safer spaces
- Be aware of microaggressions
- Privacy



Referrals from Title IX Office

Sexual Harassment matters are resolved from NHCS's Title IX Department unless referred from the Title IX Department back to the school.

Please contact Title IX Coordinator for questions

Referrals from Title IX Office



Referral from Title IX Office

1. **The Title IX Coordinator has received notice of a report alleging:**
2. **The facts based on the report are:**
Ethix360 # -
3. **After review of the report, the allegations (even if true) do not rise to prohibited conduct under NHCS Policy 1725 (Title IX Sexual Harassment) because:**
4. **As a result, the matter has been referred to you for resolution under other applicable NHCS policies and procedures, including:**
4329/7311 (Bullying and Harassing Behavior Prohibited)
5. **The schools' response to sexual harassment and gender based harassment should focus on points "a-c" below. As such, supportive measures should promptly be offered to the complainant/victim after reports of sexual harassment or gender discrimination in order to:**
 - a. preserve (or restore) students' access to educational opportunities and programs; (and)
 - b. protect the safety of all parties and NHCS's educational environment; (and)
 - c. deter discriminatory harassment in the future
6. **As a reminder, here is a list of supportive measures NHCS may offer to a complainant/victim of sexual harassment or gender discrimination reports:**

School based counseling, a mental health services referral, safety plan, modifications of class schedules, restrictions on communications and contacts, changes in class locations, approved absences, increased security and monitoring, and other similar measures determined to be necessary to protect safety or educational environment.
7. **Please complete the "Sexual Harassment & Gender Based Discrimination Resolution Form" (linked [here](#)) and email the completed version to the Title IX Coordinator (titleix@nhcs.net or jarelle.lewis@nhcs.net) upon resolution of the referred matter.**

Date of Referral:

Signature: *Jarelle A. Lewis (Title IX Coordinator)*

Referrals from Title IX Office



Sexual Harassment & Gender Based Discrimination Resolution Form

Please complete the document and email the completed version to the Title IX Coordinator (titleix@nhcs.net or jarelle.lewis@nhcs.net) upon resolution of the matter at the school level.

1. Date supportive measures were offered to the complainant?

2. Describe the supportive measures that were implemented for the complainant (if none were implemented, explain why).

3. Describe the actions the school has taken (including remedies to the complainant and disciplinary action for the respondent) to resolve the matter.

4. What date was the matter resolved at the school level?

Today's Date:

Signature (Digital Signature is acceptable):



NHCS Policies

Relevant NHCS Policies: 1720, 1725, 4329, 4040, 7335

1720 - Title IX Nondiscrimination on the Basis of Sex

1725 - Title IX Sexual Harassment – Prohibited Conduct and Reporting Process

4329 - Bullying and Harassing Behavior Prohibited

4040 - Staff-Student Relations

7335 - Employee Use of Social Media