

TITLE IX TRAINING

July 2022 – Leadership Retreat



“Title IX is the most used name for the federal civil rights law in the United States that was passed as part of the Education Amendments of 1972. It prohibits sex-based discrimination in any school or any other education program that receives funding from the federal government.”

-Wikipedia

What is Title IX?:



New Title IX regulations began August 14, 2020.

- The new regulations mostly deal with how to address sexual harassment in education programs and activities.
- First changes in decades
- Required operational changes for nearly all K-12 schools

What is new to Title IX?



- The burden of responding to sexual harassment in educational settings is on the schools.
- These are not suggestions – this is the law.

**Things to
keep in
mind...**



- All employees are mandated reporters – just like child abuse
- All reports made of sexual harassment made to any employee must be promptly reported to the Title IX Coordinator.
- This is 24/7.

Key Points to Remember



➤ New definition of sexual harassment including any of the following:

- Quid pro quo by an employee
- Unwelcome conduct that effectively denies a person equal access to a school's education program or activity
- Dating violence, domestic violence, and/or stalking as outlined in the Clery Act and/or the Violence Against Women Act

Key Points to Remember



- This raises the bar for what is considered sexual harassment under Title IX.
- Each school must have a Title IX Coordinator and each Coordinator must have it in his/her title.

Key Points to Remember



Key Words in New Definition:

The Final Rule defines sexual harassment broadly to include any of three types of misconduct on the basis of sex, all of which jeopardize the equal access to education that Title IX is designed to protect: Any instance of quid pro quo harassment by a school's employee; any **unwelcome** conduct that a **reasonable person** would find so **severe**, **pervasive**, and **objectively offensive** that it denies a person **equal educational access**; any instance of sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

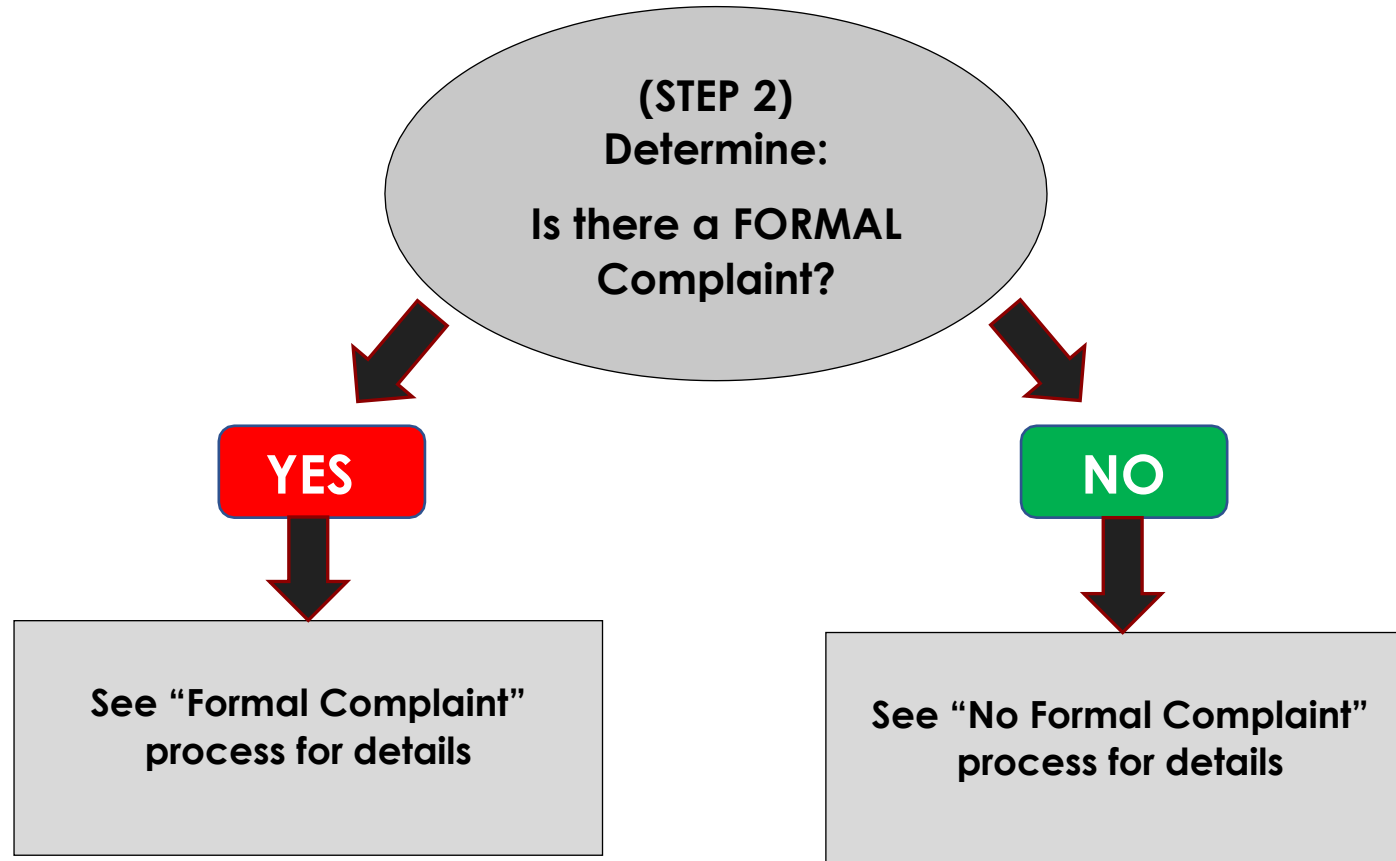
Key Points to Remember



Title IX Process

(STEP 1) PRELIMINARY INVESTIGATION:

Try to determine if rises to level of sexual harassment definition to issue a "FORMAL COMPLAINT"



- A "Formal Complaint" can be filed by the victim or their guardian at any time or by the Title IX Coordinator after the preliminary investigation.
- When in doubt, contact Human Resources.

**Keep in
mind...**



What is the preliminary investigation process?

- If made aware of an incident, school Title IX coordinator promptly contact the district Title IX Coordinator to begin the process.
- The school Title IX coordinator should also talk to the alleged victim to offer and discuss supportive measures
 - Explain supportive measures are available with or without filing a formal complaint. Supportive measures could be any of the following:
 - Counseling
 - Extensions of deadlines
 - Modifications of schedules
 - Campus escort services
 - Mutual restrictions
 - Increased security and monitoring of certain areas
 - Explain process for how to file a formal complaint

Preliminary Investigation



When we learn of a “possible” Title IX complaint:

- District Title IX Coordinator will notify the school coordinator, principal, and investigation team.
- Investigation Team will investigate (not the same as discipline)
 - The main initial job of this investigation team is to determine if a “FORMAL” complaint needs to be filed.
 - If the complainant asks for a “FORMAL” complaint, they will get one. Move to the “FORMAL COMPLAINT”
 - If they do not ask for a “FORMAL” complaint, we will conduct a preliminary investigation to make sure the district does not want to file a “FORMAL” complaint on their behalf.

Preliminary Investigation



What is a “Formal Complaint?”

- The victim, their parent, or the Title IX Coordinator can file a formal complaint.
- Complaint must meet all the following to qualify for investigation:
 - Student
 - Meets definition of sexual harassment
 - Occurred in the United States
 - Occurred in school education program or activity

Preliminary Investigation



Initial Email to alert of possible preliminary

investigation: (This is sent by the District Title IX Coordinator to the school Title IX Coordinator or Principal.)

We have an incident that will involve a preliminary investigation of Title IX violations at

<School>. We will need to do the following:

1. Interview the complainant (victim) and offer and discuss supportive measures. Supportive measures could be any of the following that are appropriate:
 - Counseling
 - Modifications of schedules
 - Extensions of deadlines
 - Campus escort services
 - Mutual restrictions
 - Increased security and monitoring of areas
2. Interview the accused
3. Interview any other witnesses you deem necessary
4. Create a report that states the following (Email back with information will suffice):
 - What supportive measures were offered.
 - How were supportive measures received by victim
 - Time/Date of parent contacts for both sides
5. Send me any documentation you have. You just report the facts, not findings. Include any video or other evidence.

Preliminary Investigation



Some interview tips...

- Go into it with a set of questions...basically, Who? What? When? Where? How?
- Make your own notes based on their statement. You can write it for them.
- At the conclusion, read the statement back to them and have them sign it.

Preliminary Investigation



Some interview tips...

- We will use this information to determine if the offense rises to the level of a "Formal Complaint".
- A formal complaint may be filed by the complainant or their guardian at any time.
- If they ask for a formal complaint, please let us know and we will talk to them about what that means and how to move forward.
- If they do not ask for a Formal Complaint, it will be up to us to determine if this offense rises to the level of "severe, pervasive, and objectionably offensive" where we would file the complaint on their behalf.

Preliminary Investigation



PRELIMINARY INVESTIGATION STEPS:

STEP 1 – Interviews w/ Complainant, Respondent, and Witnesses:

- ✓ Interviews – go into with the basic set of questions (Who, What, When, Where, How)
- ✓ Make your own notes based on their statement. Do not have them write a statement. You write it for them.
- ✓ Read the statement back to them and have them sign it.

Make sure we interview Complainant, Respondent, and Witnesses

NOTE: Discipline investigation at the school level COULD be going on at same time and is not the same as Title IX

Preliminary Investigation



PRELIMINARY INVESTIGATION STEPS:

STEP 2 – SUPPORTIVE MEASURES

- Offer supportive measures to the complainant – work with Title IX Coordinator and Admin to determine these
- Supportive measures can include, but not limited to:
 - Counseling
 - Deadline extensions
 - Modification of class/work schedules
 - Restricting contact between parties
 - Revised seating or assignments
 - Increased monitoring
- Document what supportive measures were offered/used
- Document victim's response to the supportive measures

Preliminary Investigation



PRELIMINARY INVESTIGATION STEPS:

STEP 3 – SUBMIT DOCUMENTATION

- Create Google Drive Folder and put all documentation in that folder. Share folder with District Title IX Coordinator. Folder should include:
 - Statement from Complainant
 - Statement from Respondent
 - Statement from Witnesses (if any)
 - Document what supportive measures were offered/used
 - Document victim's response to the supportive measures
 - Document parent interactions – must contact both parties' parent – work with admin at school to do this
 - Provide a written narrative of what occurred – do not make assumptions, just state the facts
 - Any videos, audio recordings, etc.

Preliminary Investigation



PRELIMINARY INVESTIGATION STEPS:

AFTER INVESTIGATORS SEND REPORT

Title IX Coordinator will gather information and do the following:

1. Submit to "Decision Maker" to determine if the offense rises to the level of a "Formal Complaint". If formal complaint is determined, see "FORMAL COMPLAINT TITLE IX TIMELINE"
2. Work with administration, counselors, etc. at the school level to ensure that supportive measures are being followed.
3. File documentation

*****A formal complaint may be filed by the complainant or their guardian at any time. If at any time in the investigation they ask for a formal complaint, please let the Title IX Coordinator know immediately and we will talk to them about what that means and how to move forward.***

Preliminary Investigation



No Formal Complaint:

Follow up email after receiving information if NOT a formal complaint:

Thank you very much for your quick work on this issue. Thank you for clarifying what supportive measures are being used and providing documentation. <ADD NOTES>

I do not think this rises to the level of severe and pervasive as defined in Title IX. The supportive measures in place should suffice without issuing a formal complaint.

Also note, as Title IX investigators and building leaders, <SCHOOL> administration is responsible for following up on all supportive measures. Please make sure we do the things we said we are going to do.

Thank you again for your help with this matter.

Preliminary Investigation



If it DOES rise to level of formal complaint, begin long process:

- Start an investigation
 - Must have a school-based investigation led by Title IX Coordinator (Even if it has been turned over to law enforcement)
 - School must ensure guardians are aware of their right to file formal complaints on behalf of their children.
 - Provide written notice to both the complainant and respondent that includes the following information:
 - Relevant grievance procedures
 - Information about allegations including persons, date, and location of alleged incident
 - Statement that respondent is presumed not responsible
 - Written notice must be given with sufficient time to prepare for meetings, interviews, or hearings
 - No pulling them out of class for title IX investigation unless written notice with time to prepare has been given

Formal Complaint



If it DOES rise to level of formal complaint, begin long process:

- Both parties are entitled to advisors of choice at any meetings, interviews, hearings
 - Advisors can be anyone, including an attorney, and a school may not limit who a party chooses as their advisor
 - School must make sure parties are aware, in writing, of their right to an advisor
- Students are not to be disciplined until they have gone through the process. Exception: student can be removed if school conducts a safety and risk analysis and determines that there is imminent threat to the physical health/safety of students. If school does remove a student under this provision, it must provide the student with written notice and the ability to immediately challenge the removal decision.

Formal Complaint



If it DOES rise to level of formal complaint, begin long process:

- Investigations will take longer
 - Title IX Coordinator will
 - Interview parties and witnesses
 - Collect evidence
 - Produce written report
 - Prior to finalizing written report all evidence must be provided to all parties who must be given 10 days to review and submit written responses.
 - Title IX Coordinator then finalizes report and send finalized report to all parties with written responses.
 - This sits for 10 days
 - Then District Title IX Coordinator rules on decision.

Formal Complaint



If it DOES rise to level of formal complaint, begin long process:

- What do we need?
 - More training
 - More people that can interview – specifically at the high school
 - Must post the training material used to the school's website
 - Questions we have...
 - Does the everyday stuff that is sexual now count as this and how do we determine?
 - What about race or gender issues?
 - Do we need new forms?
 - Do we need some packet that we give both parties that is standard?
- Notes
 - Retain all files for 7 years

Formal Complaint



TITLE IX SEXUAL HARASSMENT TIMELINE



Stephens County Schools – Title IX Roles:

Coordinator: John Stith, Assistant Superintendent

Investigators: Principals
(The principal of each school investigates his/her school's cases.)

Decision-Maker: Brent Tuck, Director of Curriculum and Instruction

Appeals: Dr. Connie Franklin, Superintendent



Questions?

John Stith, Assistant Superintendent

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