



Policy 8410 (Title IX) Process - Prior to Formal Complaint

What is Title IX?

- Title IX of the Education Amendments Act of 1972 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.”
- District Policy 8410 addresses allegations of sexual harassment occurring in the District’s programs or activities.

Sexual Harassment Defined: Part 1

Sexual Harassment includes:

- Quid pro quo sexual harassment
 - A District employee conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
- Hostile environment sexual harassment
 - 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 District's education programs or activities;
- Sexual assault (rape, fondling, incest, statutory rape)
 - Rape. The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - Fondling. The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim.
 - Private Body Parts. An individual's genitalia, breasts, or buttocks.
 - Incest. Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - Statutory rape. Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Sexual Harassment Defined: Part 2

- Dating violence. Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship is determined by a consideration of the length and type of relationship and the frequency of the parties' interactions during the relationship.
- Domestic violence. Violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating or has cohabitated with the victim as a spouse or intimate partner, or by a person similarly situated to a spouse of the victim.
- Stalking. Engaging in a course of conduct directed at a specific person based on their sex that would cause a reasonable person to a) fear for their safety or the safety of others, or b) suffer substantial emotional distress

District Policy 8410 Title IX Process (Before Formal Complaint)

When a District employee observes, or receives a report of, alleged sexual harassment

Report to Title IX Coordinator:

All District employees shall notify the Title IX/NonDiscrimination Coordinator of any reports of alleged sexual harassment they receive immediately when practical and not later than 24 hours following receipt of a report. . . When practicable, the details of the report to the Title IX/Non-Discrimination Coordinator shall also be provided to the building principal.
(see Policy 8410 section 8.0)

*Child Abuse Mandatory Reporting, if applicable (see Policy 8410 section 8.1 and Policy 5540)

Title IX Coordinator gathers information, collaborates with others, and makes a preliminary determination whether or not the allegations meet the definition of sexual harassment under Policy 8410

If Not Sexual Harassment under District Policy 8410:

Title IX Coordinator will work with school staff to determine the next steps to address student behavior.

If Sexual Harassment under District Policy 8410:

Title IX Coordinator contacts complainant to offer supportive measures and explain process of filing complaint; supportive measures determined in collaboration between building administrators or supervisors, Title IX Nondiscrimination Coordinator, and/or other district employees
(see Policy 8410 section 6.0 and 11.0)

Proceed to grievance process if complainant files a formal complaint or Title IX Coordinator signs a complaint

Temporary Removal of a Student Due to an Immediate Threat

Following the receipt of a report of sexual harassment against a student, the District may remove the student from its educational programs or activities on an emergency, temporary basis if it is determined the student poses an immediate threat. Such determination and temporary removal shall be in accordance with Section 6.2 of [Policy 8410](#) and the **District's applicable procedure**.

Supportive Measures: What are they and why are they used?

Supportive measures are:

1. Non-disciplinary and non-punitive
2. Individualized services offered as appropriate and as reasonably available
3. Without fee or charge to the complainant or respondent
4. Before or after the filing of a formal complaint or where no formal complaint has been filed.

Supportive measures are used to restore or preserve equal access to the education program or activity

Supportive Measures and the Title IX Coordinator

- **Notify:** After being notified on conduct that may constitute sex discrimination under Title IX, a Title IX Coordinator must offer supportive measures to the complainant or respondent to restore access to the education program or activity.
- **Coordinate:** The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.
- **Consult:** Proposed federal regulations, if put into effect, would require the Title IX Coordinator to consult with a complainant or respondent's IEP team or persons knowledgeable with the student's 504 plan.

Supportive Measures: Determining what to provide

Supportive measures are determined on an individual basis depending on what is reasonable. Examples of supportive measures include, but are not limited to:

- “counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.”

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

The Title IX regulations require recipients to refrain from imposing disciplinary sanctions on a respondent without first following a prescribed grievance process.

Title IX Updates

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Title IX Non-Discrimination

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