



Title IX Overview

July 30, 2021

Leadership Cabinet

Part 1

1. All employees are mandatory reporters of _____ acts of sexual harassment.

Sexual harassment is a form of _____.

2. Three main types

quid pro-quo = _____

unwelcome conduct – behavior that a _____ would find so “severe, pervasive and objectively offensive” that it denies equal access to education. Many times this leads to a “hostile environment”.

sexual offense – assault, dating violence, domestic violence, and _____.

3. The term unwelcome is subjective- if someone states it was unwelcome, no matter the actions (or lack of) at the time of the incident, it can still be considered - _____.
4. Offensive behaviors do not _____ qualify as Title IX offenses.
5. Common indicators of unequal educational access due to sexual harassment include, but are not limited to:
 - A complainant skipping class or skipping school to avoid a respondent
 - A complainant's declining grade point average (GPA)
 - A complainant having difficulty concentrating in class
6. How many sexual offenses must occur to be actionable under Title IX? _____
7. Recent court rulings and the _____ have determined that discrimination/harassment on the basis of sex includes sexual orientation and gender identity.
8. Title IX prohibits sex discrimination in education _____ and _____ . LGBTQ+ students cannot be treated differently.

Things to think about that could begin a Title IX complaint: graduation gowns- homecoming king/queen; line up by boy/girl. Others that come to mind?

9. If a student discloses something re: sexual offense- _____ and gather as much information as you can. Confidentiality is protected but not _____.

Part 2

1. A school is legally obligated to respond to any _____ sexual harassment about which a school employee has notice. Notice can come from anyone, by any means, at any time. _____ **who has received notice of alleged sexual harassment must report the incident to the school's Title IX coordinator.** Even if you have doubts about the alleged incident's validity, you should report it.
2. Upon receiving a report of sexual harassment, the school's Title IX Coordinator must promptly contact the _____ to discuss:
 - What supportive measures are available for the victim;
 - The complainant's wishes with respect to the available supportive measures; and
 - The process for filing a formal complaint.
3. A school must offer _____ to every complainant- no matter the intent of the conduct.
4. Supportive measures are individualized services designed to restore or preserve equal access to education, protect student and employee safety, and deter sexual harassment.

Supportive measure examples: preferred seating; leave of absence; excused absences; re-taking tests or assignments; no penalty class withdrawals; schedule modifications

Part 3

1. A formal complaint can be originated by: _____ or _____.
2. Once a formal complaint has been filed the complainant and respondent must receive _____.
3. Informal resolutions can be offered after a formal complaint has been filed- except when the incident is between an _____ and _____.

4. Title IX complaints are investigated by an assigned _____ who gathers all evidence and files a report to the decision maker.

*Steps in the investigative process include:

1. An investigator gathers evidence directly related to the allegations.
2. Both parties present inculpatory and exculpatory facts, evidence and expert witnesses.
3. The investigator summarizes all relevant evidence in an investigative report.
4. Both parties are given equal opportunity to review the investigative report.
5. Both parties are provided the opportunity to submit a written response about the report to the decision-maker.
6. The decision-maker issues a determination of responsibility.

5. Respondents are presumed _____ for any alleged conduct throughout the grievance process. Schools cannot discipline respondents until the grievance process has concluded.

6. The burden of proof — and the burden of collecting impartial evidence sufficient to reach a determination regarding responsibility — rests on the _____.

7. In addition, schools cannot restrict either party from discussing the allegations being investigated. (In other words, there can be no gag orders imposed.) To do so would restrict a party's ability to gather evidence.

8. Evidentiary Standard:

Clear and Convincing- substantially more likely to be true; sufficient evidence that the truth is _____

Preponderance of evidence- more likely than not to be true; _____% of the evidence favors a finding of fault

9. A K-12 school does not need to hold a _____ hearing, but each party must be allowed to submit written questions for the other party and witnesses to answer.

10. A remedy is designed to _____ or _____ the complainant's equal access to education.

11. A sanction assigns the _____ with punitive measures, behavior modification measures, or a combination of the two.

12. Although a school cannot assign sanctions prior to the conclusion of the grievance process, a school can address inappropriate behavior before then.

_____ designed to intervene quickly and correct inappropriate behavior are not considered sanctions.

13. All parties have the right to _____ a determination of responsibility.