

# Title IX Sexual Harassment Training



LEASOR  OR  
CRASS

Presented by:  
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MANS

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# Discrimination Generally

State and federal law, as well as Board Policy, prohibit discrimination, including harassment, against students or employees on the basis of:

- **Race, color, national origin**
- **Sex or gender**
- **Religion**
- **Age**
- **Disability**





# What is 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**.”

-Title IX of the Education Amendments of 1972

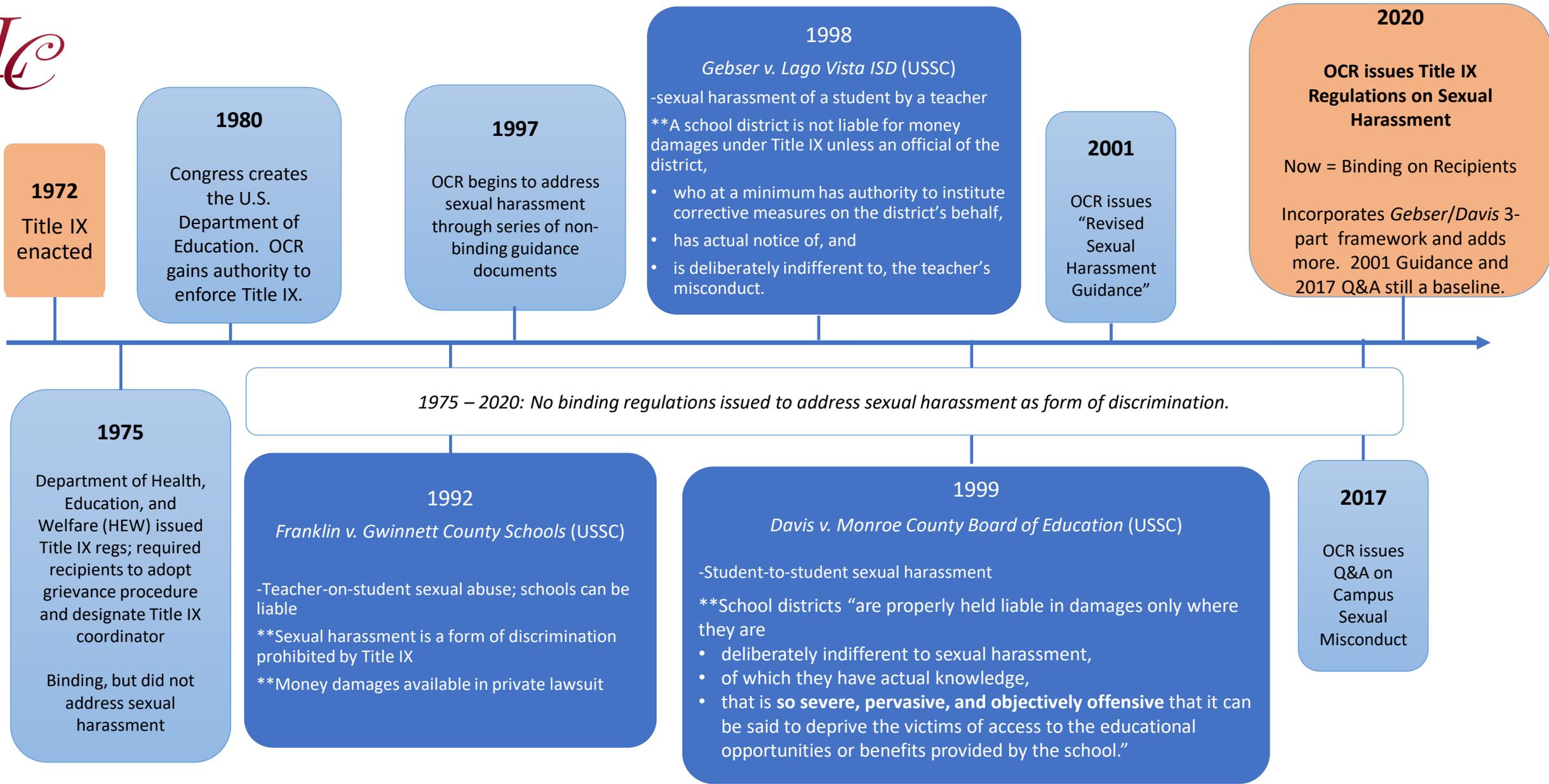
## Administrative Enforcement - OCR

- Title IX is enforced by U.S. Dept of Education's **Office of Civil Rights (OCR)**.
- OCR promulgates regulations and issues guidance on Title IX.
- **OCR can investigate alleged violations.**
- What can OCR do to an ISD?
  - Informal resolution, policy changes, etc.
  - Failure to comply = Loss of federal funding

## Litigation

- Individuals can sue ISDs for alleged Title IX violations.
- **Can recover money damages.**







# Recap: Big Picture – The Changes

- The NEW Title IX regulation **went into effect August 14, 2020.**
- **Before this amendment, Title IX regulations did not refer to sexual harassment.**
- **Title IX regs now define sexual harassment and establish procedures concerning how schools must respond to allegations of sexual harassment.**





# Required Training

**ALL District employees must be trained to know what sexual harassment is and what to do when sexual harassment occurs.**





# Sexual Harassment Prevention

- **District policies prohibit sexual harassment and sexual violence of any kind.**
- Districts are committed to promoting a safe and secure academic environment for all members.
- All students, faculty, staff, and visitors are expected to maintain a working and learning environment free from harassment and discrimination.
- Sexual harassment, a form of sex discrimination, is illegal under federal, and state laws and will not be tolerated by your school district.



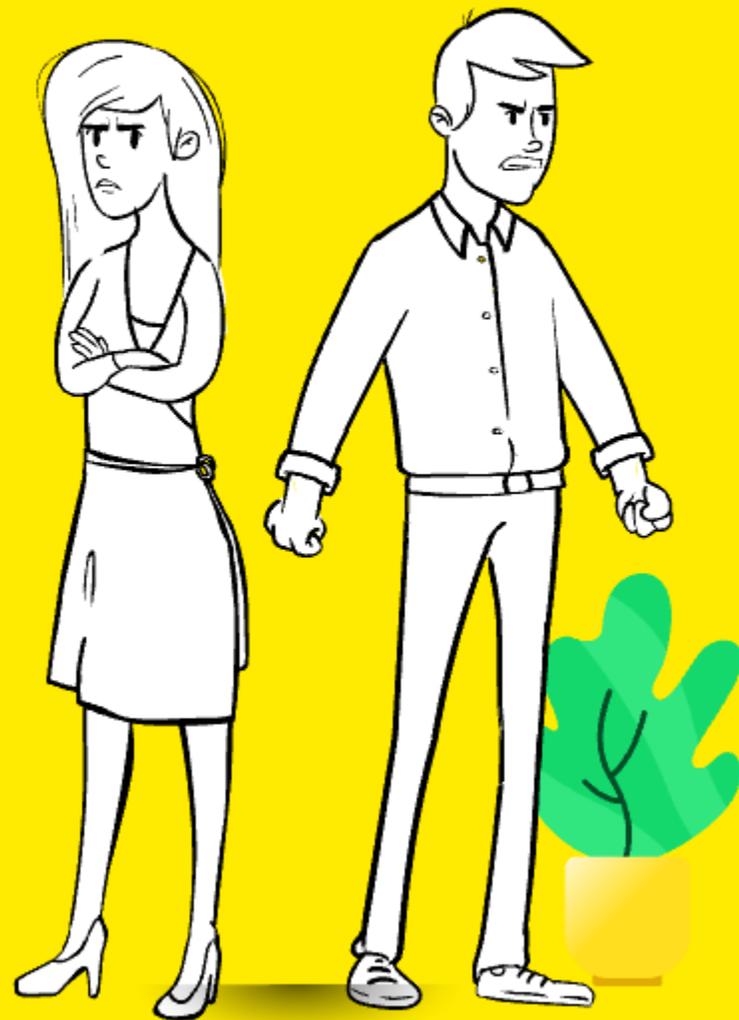


# SEXUAL HARASSMENT

## Prevention

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LEASOR  
CRASS



What are the

# Different Types

of Sexual Harassment?



VISUAL



VERBAL



PHYSICAL



# VISUAL



HARASSMENT



# VISUAL

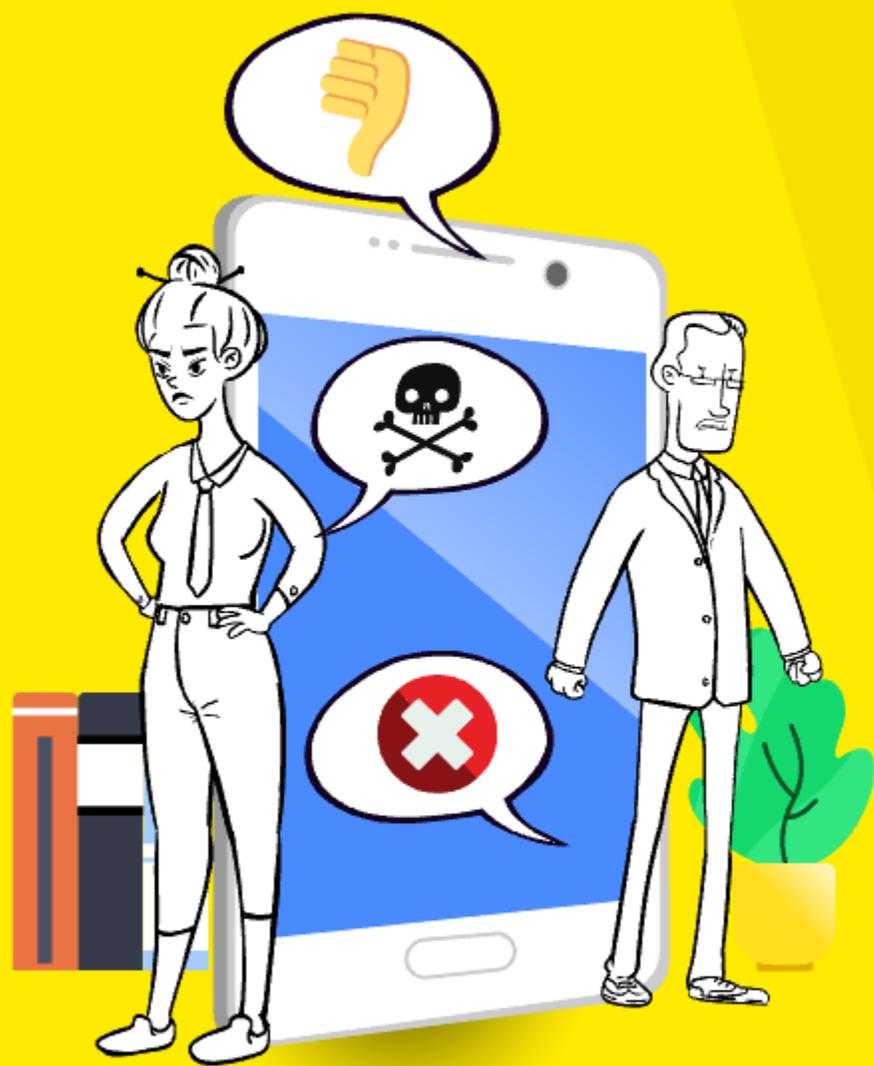


HARASSMENT



- Inappropriate **Pictures or Drawings (Online/Offline)**
- Obscene **Emails or Texts**





# VERBAL



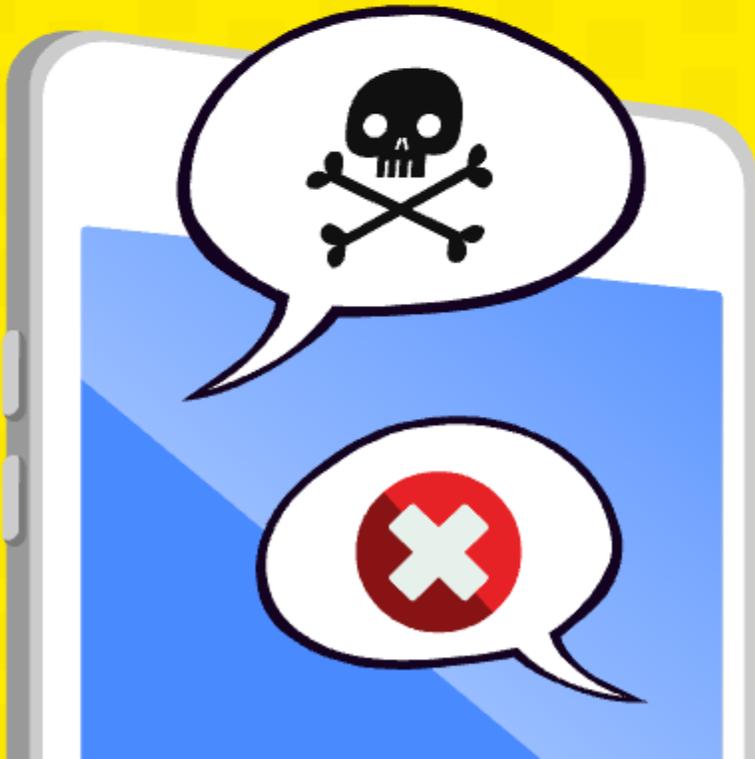
HARASSMENT



# VERBAL



## HARASSMENT



- **Requests/Threats**  
for Sexual Favors
- **Spreading Rumors**  
of Other's Sex Lives
- **Jokes/Remarks**  
Gender or Sexual
- **Commenting**  
on Someone's Appearance



# PHYSICAL



HARASSMENT



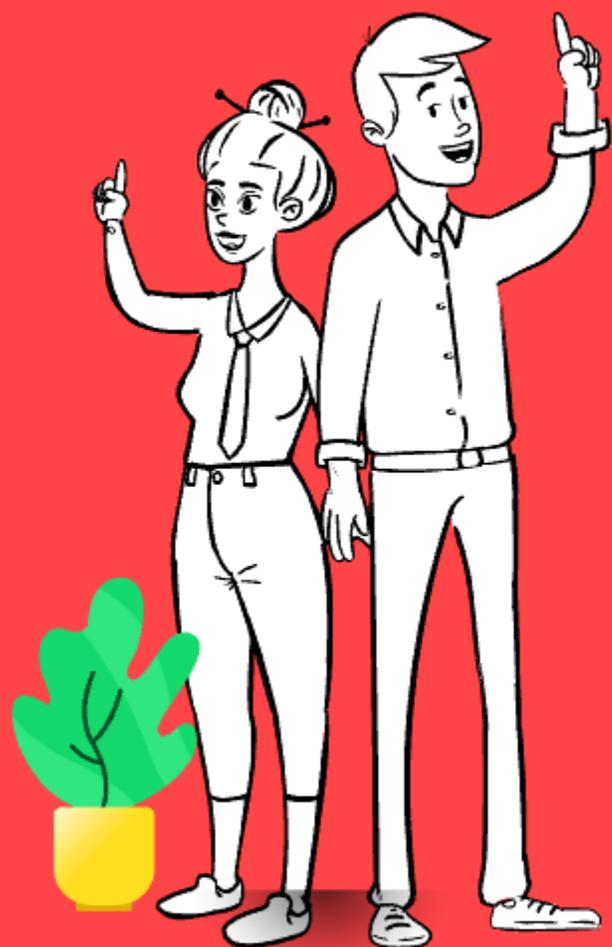
# PHYSICAL



## HARASSMENT

- **Sexual Assault**
- **Sexual Gesturing and Staring**
- **Unsolicited Touching**
- **Blocked Movement**
- **Touching (e.g. Kissing, Stroking, Rubbing...)**





Sexual Harassment

**CAN HAPPEN  
TO ANYONE**

regardless of gender or sexual orientation





So if you are a victim or see something

**SAY SOMETHING!**

Anyone has the right to file a complaint





# “Sexual Harassment” Definition - § 106.30(a)

“**Sexual Harassment**” = conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual’s participation in unwelcome sexual conduct (i.e., quid pro quo sexual harassment);
2. 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 recipient’s education program or activity; or
3. “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

#2 adopts the Supreme Court’s *Davis* standard, which is a higher standard than OCR applied in the past.

“**Education program or activity**” = any location, event, or circumstance over which the recipient exhibits substantial control over both the alleged harasser and the context in which harassment occurred

SH definition does not turn on method of harassment; can be via e-mail, internet, or other technologies, as well as in-person, mail, handwritten, or other communications



# Type 1: Quid Pro Quo

- **“This for that”**

A person in a position of authority, typically a supervisor, demands sexual favors as a condition to getting or keeping a benefit.





# Type 1: Quid Pro Quo Harassment

“An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual’s participation in unwelcome sexual conduct (i.e., quid pro quo sexual harassment)”

- **This type of harassment can only be committed by employees, not students.**
  - But the target of quid pro quo can be a student or another employee.
- The “bargain” proposed by the employee can be express or implied.
- **Quid pro quo harassment need not be severe and pervasive.**
  - OCR: “abuse of authority in the form of **even a single instance** of quid pro quo harassment (where the conduct is not ‘pervasive’) is inherently offensive and serious enough to jeopardize equal educational access[.]”

**Wide range of conduct can fall on the spectrum for quid pro quo harassment.**

Express propositions for sex in exchange for grades or a promotion

Back rubs/leg pats, student feels compelled to allow



# Type 2: Severe, Pervasive, AND Objectively Offensive Conduct





# Type 2: Severe, Pervasive, AND Objectively Offensive Conduct

“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 recipient’s education program or activity”

Remember *Davis*?

Per OCR 2001 Guidance:

- Kiss on the cheek by a first grader = not sexual harassment.
- **“School personnel should consider the age and maturity of students in responding to allegations of sexual harassment.”**

Under this new definition of sexual harassment in the 2020 regs, a kiss on the cheek at any age is probably not sexual harassment (not “so severe, pervasive, and objectively offensive....”)

“Education program or activity” = any location, event, or circumstance over which the recipient exhibits substantial control over both the alleged harasser and the context in which harassment occurred





## Type 3: Offenses Under Violence Against Women Act (VAWA)

1. “Sexual Assault” (20 U.S.C. 1092(f)(6)(A)(v))
2. “Dating Violence” (34 U.S.C. 12291(a)(10))
3. “Domestic Violence” (34 U.S.C. 12291(a)(8))
4. “Stalking” (34 U.S.C. 12291(a)(30))

➤ Any of these would likely involve a **simultaneous criminal investigation.**





# Potential Consequences

- Disciplinary sanctions
- Directives
- Reassignment
- Nonrenewal
- Termination
- CPS & SBEC Reporting
- Certification Revocation





# Report Sexual Harassment

## The purpose of reporting is to:

- Prevent further incidents from occurring,
- Promptly address reported issues, and
- Limit the effects of harassment on the educational environment.





# Title IX Coordinator Contact

**Your Title IX Coordinator's name and contact information is located on your district's website and in your employee handbook.**

**Also, you can ask your campus administrator or supervisor for the Title IX Coordinator's contact information.**





# Report Sexual Harassment

- ALL allegations of sexual harassment **MUST be reported to your district's Title IX Coordinator immediately.**
- Suspected child abuse **MUST be reported to CPS immediately or within 48 hours.** A failure to report suspected abuse or neglect is a crime. Tex. Fam. Code § 261.109.





# Report Sexual Harassment



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