

# Title IX

# An Overview for Building Administrators

January, 2022

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# What is Title IX?

## Title IX, 20 U.S.C. § 1681

- Prohibits discrimination “on the basis of sex
- Applies to education programs and federally funded schools
- Protects students, employees, applicants and all other persons
- Applies to teacher -on-teacher, teacher-on-student and student-on student sexual harassment/assault

# What constitutes a Title IX violation?

- **Sexual harassment** means conduct on the basis of sex that satisfies one or more of the following:
  - **Quid Pro Quo:** An employee of the Board of Education conditioning the provision of an aid, benefit, or service of the Board of Education on an individual's participation in unwelcome sexual conduct;

# What constitutes a Title IX violation?

## Sexual harassment

- **Hostile School Environment (Gebser/Davis Framework):** 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 Board of Education's education program or activity; **or**
- **Sexual Violence:** "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)

As a building level administrator, what should I do if confronted with a sexual harassment situation?

- LEAs must respond to **actual knowledge** of sexual harassment in their **“education program or activity”** in a manner that is **“not deliberately indifferent”**
- **“Education program or activity”** includes locations, events, or circumstances over which the LEA exercises **substantial control over both the respondent and the context in which the sexual harassment occurred.**

Includes:

# As a building level administrator, what should I do if confronted with a sexual harassment situation?

- Academic, educational, extracurricular, athletic, and other programs or activities of schools, regardless of the location (within the United States);
- Online activity that occurs on computer and internet networks, digital platforms, and computer hardware and software owned or operated by, or used in the operations of, the LEA
- Off-campus and/or online sexual harassment? Depends on the factual circumstances of each case.

What roles does  
Title IX identify as  
necessary to be  
compliant with the  
law?

Title IX Coordinator

Investigators

Decision Maker

Appeals Decision Maker

# What are the responsibilities associated with each role?

**Title IX Coordinator**-Responsible for implementing Title IX requirements throughout the district, receiving complaints, designating investigators and decision-makers, and implementing supportive measures.

**Investigator**-The Investigator gathers evidence in order to (1) determine if the sexual harassment allegations meet Title IX standards, and (2) provide the Decision-Maker with evidence with which to base the written determination of responsibility at the end of the grievance procedure. The Investigator is responsible for conducting interviews with all parties and witnesses, sharing investigative evidence with all parties for their review, and writing the investigative report. The Investigator cannot have a conflict of interest with, or bias for or against any member in the proceedings.



# What are the responsibilities associated with each role?

**Decision Maker**-The Decision-Maker is effectively the judge of Title IX cases: They preside over hearings, if applicable, and issue the verdict in the form of written determinations. Decision-Makers monitor the questioning and cross-examination process and identify irrelevant questions. At the end of the process, they weigh the evidence to determine if it meets the school's standard of sexual harassment allegations. Decision-Makers produce a written statement to both parties describing their verdict.

**Appeals Decision Maker**- Reviews evidence and writes written determinations, distributing the determination to both parties.

Following the  
process is as  
important as taking  
appropriate action.

