

Title IX

Legal Department - Compliance Office

Federal Discrimination and Harassment Laws



Title IX of the Education Amendments 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 educational program or activity receiving federal financial assistance.”

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Title IX Protections:

Often, people think of gender equality in athletics when they hear “Title IX”; yet Title IX also protects:

- Students AND employees of any educational program that receives federal educational assistance (like FCPS!)
- From sex discrimination, which includes sexual violence and sexual harassment, treatment of pregnant and parenting students, discipline, and single-sex education.



Definitions

Title IX Sexual Harassment Is:

An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (i.e., **quid pro quo** 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 program or activity;

"Sexual assault" means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is an act directed against another person, without the consent of the second person, including instances where the second person is incapable of giving consent.



Conduct Prohibited by Title IX:

- Sexual Harassment;
- Sexual Violence;
- Discrimination based on an individual's:
 - Sex;
 - Gender;
 - Sexual Orientation;
 - Gender Identity; or
 - Pregnancy.



Where are Individuals Protected?

1. Buildings or other locations that are part of the school's operations, including remote learning platforms; and
2. Off-campus settings if the school exercised substantial control over the respondent and the context in which the alleged sexual harassment occurred (e.g., a school field trip to a museum).

TITLE IX COMPLAINTS



WHO: brandon.turnley@fayette.kyschools.us;
alex.garcia@fayette.kyschools.us

WHAT: Discrimination on the basis of sex in education programs and activities. Discrimination on the basis of sex can include sexual harassment or sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion.

WHEN: As soon as a staff member has knowledge of any potential sexual harassment/sexual assault

What Should Occur Once You Have Actual Knowledge of a Potential Title IX Violation?



1. Ask Yourself: Is this issue related to Title IX?
 - ❖ Has someone *complained* about OR do you or another employee have *actual knowledge* that someone is being discriminated against based upon their sex?

What Should Occur Once You Have Actual Knowledge of a Potential Title IX Violation?



Examples:

- A student reports they were sexually assaulted by another student; or
- A student reports that they were sexually harassed by a staff member (which also will result in a mandatory report to Child Protective Services).

What should occur once you have knowledge of a potential Title IX violation?



2. A Title IX Coordinator must promptly contact the alleged victim (complainant) to discuss the availability of supportive measures, regardless of whether a formal complaint is filed, and to explain the process for filing a formal complaint.

What Should Occur Once You Have Actual Knowledge of a Potential Title IX Violation?



Supportive Measures:

- **Non-disciplinary, non-punitive individualized services** offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.
 - 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,
 - unilateral restrictions on contact that are not unreasonably burdensome on a respondent,
 - changes in work or housing locations,
 - increased security and monitoring of certain areas of the campus, and other similar measures.

Supportive measures shall be confidential, to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures. The TIXC is responsible for coordinating the effective implementation of supportive measures.

****Note:** A school **may not** continue with the grievance process in the absence of a formal complaint.

What Should Occur Once You Have Actual Knowledge of a Potential Title IX Violation?



Informal Resolution

The Title IX Coordinator will offer the parties the opportunity to participate in an informal resolution process to resolve the complaint without completing the investigation and determination process. **Informal resolutions cannot be used to resolve a formal complaint where a student is the Complainant and the Respondent is an employee.**

Examples include, but are not limited to:

- facilitated discussions between the parties;
- restorative justice; acknowledgment of responsibility by a Respondent;
- apologies;
- disciplinary actions against a Respondent or a requirement to engage in specific services; or supportive measures.

Both parties must voluntarily agree in writing to participate in an informal resolution process, and either party can withdraw from the process at any time. The Superintendent/designee must agree to the terms of any informal resolution reached between the parties. **If an informal resolution agreement is reached, it must be signed by both parties and the District.** Any such signed agreement is final and binding according to its terms.

What Should Occur Once You Have Actual Knowledge of a Potential Title IX Violation?



Formal Resolution

Filing a Complaint:

A Complainant and/or their parent/legal guardian may file a formal written complaint requesting investigation of alleged Title IX Sexual Harassment. The written complaint must include basic information concerning the allegation of sexual harassment (i.e., date, time, location, individual(s) who allegedly engaged in sexual harassment, description of allegation). Students who need assistance in preparing a formal written complaint, may consult with the TIXC.

In accordance with the Title IX regulations, the TIXC must dismiss a formal complaint under this Title IX procedure if:

- the conduct alleged in the formal complaint does not constitute sexual harassment as defined under the Title IX regulations and the Title IX Sexual Harassment policy; or
- the conduct alleged did not occur within the scope of the District's education programs and activities, or
- did not occur in the United States.

What should occur once you have knowledge of a potential Title IX violation?



Investigation

Each school shall appoint one employee to be:

- 1) One Investigator; and
- 2) One Decision-Maker

- The Decision-Maker cannot be the Title IX Coordinator or the Investigator.
- The Title IX Coordinator can be the Investigator.

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Title IX in K-12 Schools:

Additionally, according to the Office of Civil Rights (OCR) of the United States Department of Education, each school in a public school district must designate one employee as the school Title IX Coordinator. School

Title IX Coordinators will work with the FCPS Compliance Officer in responding to and investigating any complaints made by students, employees, or parents.



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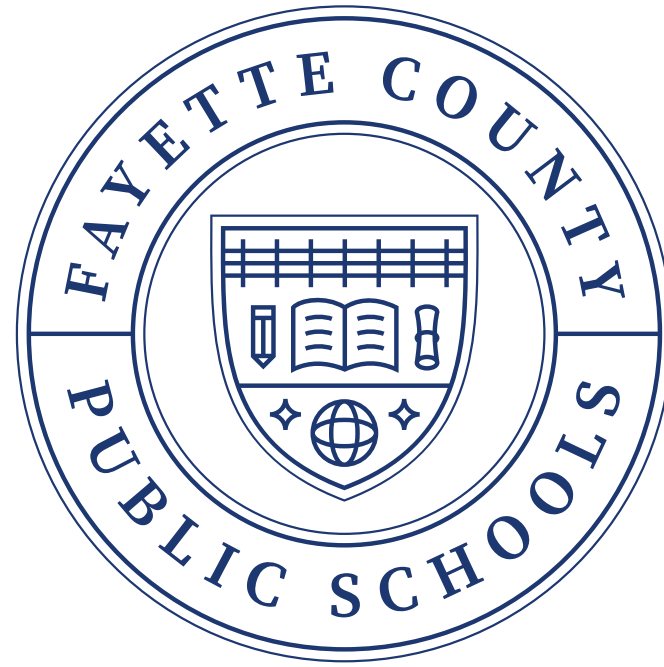
Title IX in K-12 Schools:

Each public school district must have a Title IX Coordinator.

- The FCPS Title IX Coordinator is: **Brandon Turnley, FCPS Compliance Officer**

In addition to a District Title IX Coordinator, each school in a public school district must also designate one employee as the Title IX Coordinator. School Title IX Coordinators work with the FCPS Compliance Officer in response to complaints.

- The Title IX Coordinator should not be the Athletic Director. Assistant/Associate Principal is preferred.



Questions?