

Let's Talk Title IX

Under Title IX of the Education Amendments of 1972, your educational institution is required to address sex discrimination in education programs and activities, including in employment.



Legal Requirement
Your institution is required to address sex discrimination in education programs and activities, including in employment.

Responsibility
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Scope
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TIX Talks

2024-2025 School Year



Examples of Sex Discrimination in Schools



What is Sex-Based Harassment Under Title IX?

Sex-based harassment is a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that creates a hostile or abusive educational environment.



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Legal Requirement

K-12 schools must take **specific steps** to prevent and address sex discrimination in all aspects of their education programs and activities, including employment.

It may not be enough to use your normal building discipline procedures to address this type of behavior.



Scope

"Sex" includes discrimination based on sex, gender, gender identity, sexual orientation, and pregnancy, pregnancy-related conditions, and parenting status.



Responsibility

Schools must take prompt and effective action to eliminate sex discrimination, prevent its recurrence, and remedy its effects.

Applicability

All students, employees, and anyone participating in or attempting to participate in the school's programs are protected from sex discrimination.

Any student, employee, or other person participating in the school's programs are prohibited from engaging in sex discrimination.





Examples of Sex Discrimination in Schools

Sex discrimination in schools manifests in various forms. Let's explore some examples.



Unequal Access and Opportunities

- Unequal Access to Programs or Activities
- Biased Grading or Other Treatment
- Unequal Athletics Teams
- Discriminatory Discipline
- Discriminatory Selection or Hiring and Unequal Pay

Sex-Based Harassment

Sex-Based Harassment, Including Sexual Assault and Violence, are types of sex discrimination.



Retaliation

Negative treatment because someone made a report or complaint or participated in a process related to a report or complaint of sex discrimination.



What is Sex-Based Harassment Under Title IX?

Sex-based harassment under Title IX encompasses various defined offenses and behaviors that impact students, employees, and others participating in or attempting to participate in educational institutions' programs and activities.



Quid Pro Quo ("this for that")

An employee, agent, or other person authorized by the educational institution to provide an aid, benefit, or service under the education program or activity explicitly or impliedly conditioning the provision of such aid, benefit, or service on a person's participation in unwelcome sexual conduct.





Defined Offenses

- Sexual Assault (e.g., rape, fondling, statutory rape)
- Domestic Violence
- Dating Violence (no matter how minor)
- Stalking

**Yes, these behaviors are crimes that may necessitate police or child protective services involvement, but they also must be addressed at the school level under Title IX



Hostile Environment Sex-Based Harassment

Any other unwelcome conduct based on sex that, based on the totality of the circumstances, is subjectively and objectively offensive and so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the education program or activity (i.e., creates a hostile environment)



Recognizing and Reporting Sex-based Misconduct

Identification and reporting of sex-based misconduct are crucial in upholding Title IX regulations. Understanding what conduct is covered is fundamental to ensuring a safe educational environment.

Types of Sex-Based Harassment

- Verbal Harassment
- Unwelcome Advances
- Inappropriate Touching
- Sexually Explicit Materials
- Comments on Appearance or Body
- Sexual Innuendo
- Spreading Rumors



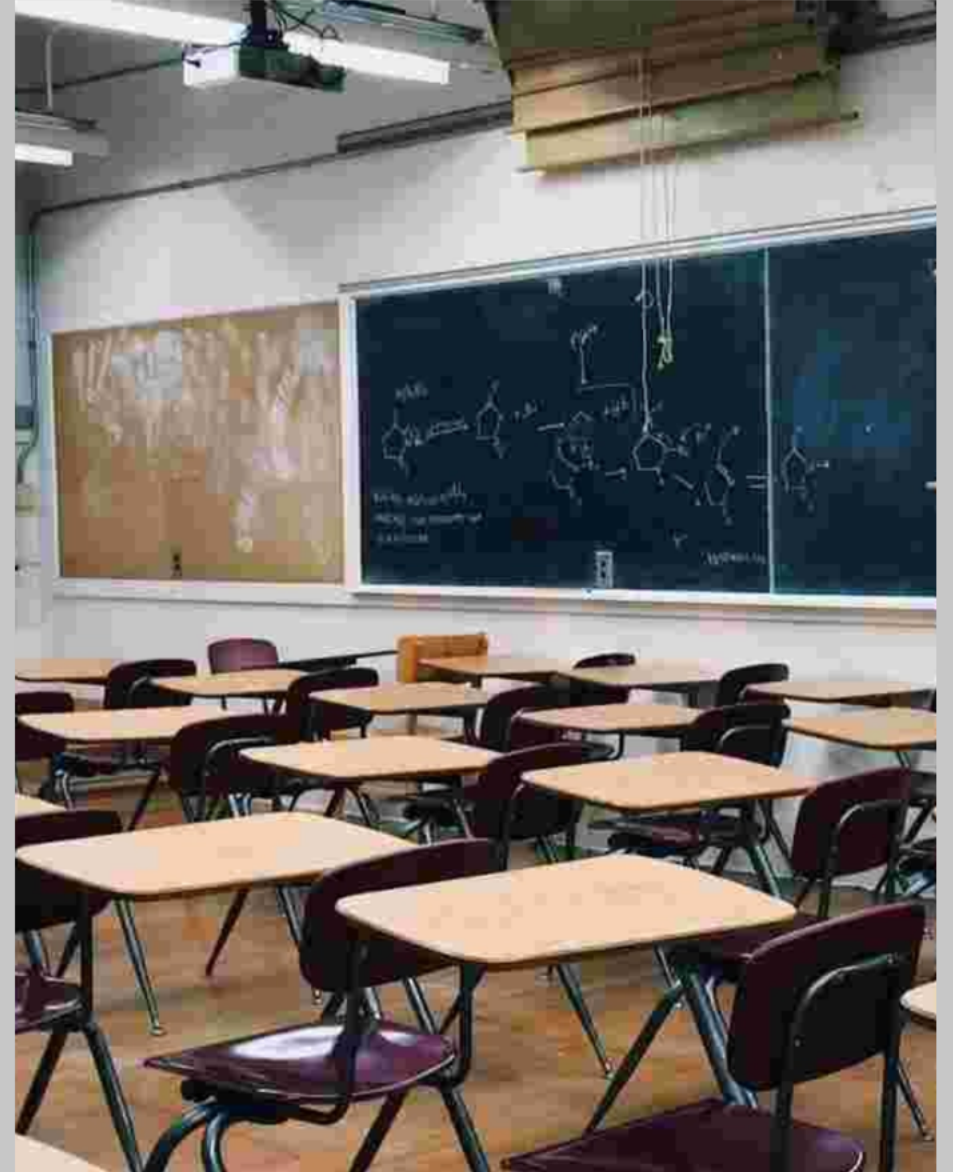


EXAMPLES

You notice that a student repeatedly asks a classmate out on dates during class, despite clear refusals. The student also leaves notes on the classmate's desk. The classmate has started skipping your class and is visibly annoyed and anxious whenever the student is around. No one says anything to you about it.

EXAMPLES

A group of students creates a social media group where they post inappropriate memes and comments about a classmate's appearance and spread rumors about the classmate's supposed sexual relationships. You hear several people talking about it.



EXAMPLES



While working on a group project, a student repeatedly touches a classmate's back and shoulders in a way that makes the classmate seem uncomfortable. The classmate tries to move away, but the student continues, making it difficult for the classmate to focus on the project.

EXAMPLES

A student confides in you that during group projects, one of their teachers routinely assigns leadership roles to students of one sex, assuming they are more “naturally suited” to lead, while students of the opposite sex are given supportive or organizational tasks. The student says the teacher frequently calls on students of one sex to answer questions or lead group discussions, while (perhaps unintentionally) overlooking students of the other sex who raise their hands.



Examples



- You hear rumors that students on a particular sports team are poking each other in the behind with brooms or sticks
- You hear rumors that an employee and a student are having an illicit relationship
- You hear rumors that a student was sexually assaulted during a sports trip

EXAMPLES

A pregnant student asks you for excused absences to attend medical appointments. You initially agree, but when the student misses class several times, you tell them that they cannot miss anymore or their grade will be impacted.



See something, hear something, say something!

Every K-12 employee must report any conduct that could be sex-based misconduct to the educational institution's Title IX coordinator. When in doubt, report it out! This reporting requirement is in addition to any requirements to report a crime or abuse or neglect under state law.



Confidential?

If you believe your role is confidential, confirm it with the Title IX Coordinator before failing to report. Confidential employees have special training requirements they must complete and actions they must take when they receive a report.

Failure to comply with reporting requirements--even inadvertently--can lead to serious job consequences and can harm students

Supporting Pregnancy and Parenting in Education

Ensuring equal access and support for pregnant and parenting students is vital in upholding Title IX rights in educational institutions.





School Responsibilities

- Prevent unequal treatment
- Accommodations, including lactation space and leaves of absence
- Notice of rights



Employee Responsibilities

When a student or a person who has a legal right to act on behalf of the student informs **any employee** of the student's pregnancy or related conditions, unless the employee reasonably believes that the Title IX Coordinator has been notified, **the employee must promptly provide** that person with the Title IX Coordinator's contact information **and inform** that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the District's education program or activity.

****Make sure to maintain confidentiality of the information**

Key Takeaways and Best Practices

What are the key takeaways?



Report the Conduct

If you become aware of any conduct that could possibly be based on sex, the safest bet is to report it to the Title IX Coordinator

For pregnancy, make sure a student or their parent/guardian knows that they should contact the Title IX Coordinator and that they can receive benefits from doing so – consider sharing this informatio in writing



Confidentiality

Do not share any information that might identify the person alleged to have been subjected to sex-based misconduct with any person without authorization, **including** the person alleged to have engaged in sex-based misconduct until the Title IX Coordinator authorizes it





Do Not Discipline

No employee or building should take **any steps** to discipline or impose consequences or remedies for any sex-based misconduct



Ensuring Safety and Compliance with Title IX

If someone reports sex-based misconduct and you are concerned about safety, remove the person alleged to have engaged in the sex-based misconduct to the building office with supervision and contact the Title IX Coordinator and (if warranted or required) law enforcement – do not share information with them that could identify the person alleged to have been subjected to the conduct

Have Questions?

- Review your educational institution's policies and procedures for Title IX and other civil rights laws every year
- Contact your educational institution's Title IX Coordinator for questions or assistance
- Questions about Title IX Can also be directed to the U.S. Department of Education's Office of Civil Rights

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Legal Requirement

Responsibility



Scope



Responsibility

Responsibility for Title IX compliance is shared among all members of the institution's community.

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Sex-based harassment is a form of sex discrimination that involves unwelcome, hostile, or abusive behavior based on a person's sex or gender.

