



TITLEIX
X

SLCSD

DEPUTY TITLE IX

COORDINATOR/ SCHOOL

ADMINISTRATOR

TRAINING



REVISED 7/1/24

2024-2025 SCHOOL YEAR

DEPUTY TITLE IX COORDINATOR/ SCHOOL ADMINISTRATOR TRAINING

2024 REGULATIONS – CURRENTLY ENJOINED

REVIEW OF TITLE IX AND REPORTING REQUIREMENTS

ROLE OF DEPUTY TITLE IX COORDINATOR

2020 REGULATIONS – G-19.B PROCESS



2024 REGULATIONS ARE CURRENTLY ENJOINED FOR UTAH

**That means we can't
implement the **NEW 2024**
regulations until the
courts decide if they can
move forward .**



**BUT WHAT DOES THAT MEAN
FOR US?**

WHY ARE WE HERE?



- **DTIXCs MUST BE TRAINED EVERY YEAR**
- **IF A DTIXC IS NOT AVAILABLE, ANOTHER ADMINISTRATOR MUST KNOW WHAT TO DO**
- **IF/WHEN THE 2024 REGS ARE IMPLEMENTED, WE WILL STILL NEED TO USE THE 2020 PROCESS FOR INCIDENTS THAT OCCURRED PRIOR TO IMPLEMENTATION – ALL ADMINS MUST BE TRAINED**
- **TRAINING WILL BE A MAJOR FOCUS OF THE 2024 REGULATIONS – BE PREPARED**



WE WILL:

- **CONTINUE TO BE TRAINED ON AND USE THE 2020 REGULATIONS AND THE PROCESS IN G-19.B FOR ALL CASES**

- **BE PREPARED TO ATTEND TRAINING FOR THE 2024 REGULATIONS IF/WHEN THE COURTS ALLOW US TO MOVE FORWARD WITH ALL OR PART OF THE 2024 REGS**



WHAT DO WE EXPECT TO CHANGE IF/WHEN THE 2024 REGS ARE IMPLEMENTED?

THE SCOPE – MORE INCIDENTS WILL FALL UNDER TIX

SIMPLIFIED PROCESS

EXPANDED PREGNANCY PROTECTIONS*

- ***TODAY WE WILL DISCUSS THE PREGNANT WORKERS FAIRNESS ACT (PWFA)**



TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 (20 USC §1681) – 37 WORDS

THE DISTRICTWIDE TITLE IX COORDINATOR IS:

TINA HATCH

440 EAST 100 SOUTH

SALT LAKE CITY, UTAH 84111

801-578-8388

TINA.HATCH@SLCSCHOOLS.ORG

“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.”

TITLE IX APPLIES TO:

**ATHLETICS; COUNSELING; COURSES; EMPLOYMENT;
FUND RAISING; PREGNANCY; SEX/GENDER
DISCRIMINATION; SEXUAL HARASSMENT; ETC.**



PREGNANT WORKERS FAIRNESS ACT

WHO & WHAT IS COVERED?

**EMPLOYEES OR APPLICANTS
COVERS KNOWN LIMITATIONS
RELATED TO, AFFECTED BY, OR
ARISING OUT OF PREGNANCY,
CHILDBIRTH, OR RELATED MEDICAL
CONDITIONS –
BREASTFEEDING/PUMPING IS ALSO
COVERED**

WHAT IS REQUIRED?

**APPROPRIATE ACCOMMODATIONS
TO THE WORKING ENVIRONMENT
FOR QUALIFIED EMPLOYEES OR
APPLICANTS WITH KNOWN
LIMITATIONS – UNLESS IT CAUSES
AN UNDUE HARDSHIP (NOT LIKELY)**

DOES IT REPLACE OTHER LAWS?

NO.

**PREGNANT WORKERS ARE STILL
PROTECTED UNDER TITLE VII (CIVIL
RIGHTS ACT) AND THE AMERICANS
WITH DISABILITIES ACT (ADA)**

Went into effect on June 27, 2024



WHAT DOES PWFA PROHIBIT?

THE DISTRICT/SCHOOL MUST NOT:

- **FAIL TO MAKE REASONABLE ACCOMMODATIONS, ABSENT AN UNDUE HARDSHIP**
- **REQUIRE AN EMPLOYEE TO ACCEPT AN ACCOMMODATION THAT HAS NOT BEEN DETERMINED THROUGH THE INTERACTIVE PROCESS – CALL LORETTA BRAZELTON!!**
- **DENY A JOB/OPPORTUNITY TO A QUALIFIED EMPLOYEE OR APPLICANT BASED ON THE NEED FOR A REASONABLE ACCOMMODATION**
- **REQUIRE AN EMPLOYEE TO TAKE LEAVE IF A REASONABLE ACCOMMODATION WILL ALLOW THE EMPLOYEE TO CONTINUE WORKING**
- **PUNISH OR RETALIATE AGAINST AN EMPLOYEE OR APPLICANT FOR REQUESTING AN ACCOMMODATION**
- **COERCE INDIVIDUALS/THOSE ASSISTING THE INDIVIDUALS WHO ARE EXERCISING THEIR RIGHTS**

EXAMPLES OF POSSIBLE ACCOMMODATIONS UNDER PWFA

- **ADDITIONAL, LONGER, OR MORE FLEXIBLE BREAKS TO DRINK WATER, EAT, REST, OR USE THE RESTROOM**
- **CHANGING FOOD OR DRINK POLICIES TO ALLOW FOR A WATER BOTTLE OR FOOD**
- **CHANGING EQUIPMENT, DEVICES, OR WORKSTATIONS, SUCH AS PROVIDING A STOOL TO SIT ON, OR A WAY TO DO WORK WHILE STANDING**
- **CHANGING A UNIFORM OR DRESS CODE OR PROVIDING SAFETY EQUIPMENT THAT FITS**
- **CHANGING A WORK SCHEDULE, SUCH AS HAVING SHORTER HOURS, PART-TIME WORK, OR A LATER START TIME**
- **TEMPORARY REASSIGNMENT**
- **TEMPORARY SUSPENSION OF ONE OR MORE ESSENTIAL FUNCTIONS OF A JOB**
- **LEAVE FOR HEALTH CARE APPOINTMENTS**
- **LIGHT DUTY OR HELP WITH LIFTING OR OTHER MANUAL LABOR**
- **LEAVE TO RECOVER FROM CHILDBIRTH OR OTHER MEDICAL CONDITIONS RELATED TO PREGNANCY OR CHILDBIRTH**



WHO SHOULD REPORT INCIDENTS OF SEXUAL HARASSMENT/SEX DISCRIMINATION?

- **IT IS THE DUTY OF EVERY STUDENT AND EVERY EMPLOYEE TO REPORT ANY INCIDENTS OF SEXUAL HARASSMENT, SEXUAL VIOLENCE, AND/OR SEX-BASED DISCRIMINATION THAT OCCUR WITHIN A DISTRICT PROGRAM OR ACTIVITY OR ON DISTRICT PROPERTY TO THE DTIXC OR TIXC.**
 - **EMPLOYEES WHO FAIL TO DO SO MAY BE SUBJECT TO DISCIPLINARY ACTION.**
- **ANY MEMBER OF YOUR SCHOOL COMMUNITY WHO BELIEVES AN INCIDENT INVOLVING SEXUAL HARASSMENT HAS OCCURRED (PARENT, VENDOR, ETC.) MAY FILE A COMPLAINT.**



ACTUAL KNOWLEDGE

ANY DISTRICT EMPLOYEE WHO LEARNS OF AN INCIDENT INVOLVING SEXUAL HARASSMENT/SEX-BASED DISCRIMINATION MUST IMMEDIATELY INFORM THE SCHOOL'S DTIXC OR THE DISTRICT'S TIXC. THE DISTRICT IS ON NOTICE NO MATTER WHO RECEIVES THE REPORT. K-12 HAS NO "CONFIDENTIAL" EMPLOYEES.

- **IF A STUDENT TELLS AN EMPLOYEE ABOUT AN INCIDENT INVOLVING SEXUAL HARASSMENT, THE EMPLOYEE SHALL INFORM THAT STUDENT OF THE EMPLOYEE'S OBLIGATION TO REPORT THE INCIDENT TO THE DTIXC/TIXC.**





REPORTS MADE IN GOOD FAITH WILL NOT ADVERSELY IMPACT EMPLOYMENT, GRADES, WORK ASSIGNMENTS, OR PARTICIPATION IN DISTRICT-SPONSORED PROGRAMS OR ACTIVITIES.



KNOWINGLY FILING A FALSE REPORT WITH MALICIOUS INTENT WILL RESULT IN DISCIPLINARY ACTION AND MAY HAVE OTHER LEGAL OR DISCIPLINARY RAMIFICATIONS.





DEPUTY TITLE IX COORDINATOR



**THE DEPUTY TITLE IX
COORDINATOR ROLE IS
CRITICAL!**



THE DTIXC IS THE FIRST POINT OF CONTACT AT YOUR SCHOOL. THEY ARE RESPONSIBLE TO WORK WITH THE TIXC TO ENSURE THERE IS AN APPROPRIATE RESPONSE TO ANY TIX COMPLAINT AT YOUR SCHOOL.

[THIS WILL NOT CHANGE WITH THE 2024 REGS.]



THE DEPUTY TITLE IX COORDINATOR WILL:

- **BE LISTED ON THE TITLE IX WEB PAGE, LINKED THROUGH THE SCHOOL'S MAIN WEB PAGE**
- **ENSURE THAT STUDENTS ARE INFORMED OF THE TITLE IX COMPLAINT PROCESS BY OCTOBER 1ST OF EACH YEAR**
- **BE THE POINT OF CONTACT AT THEIR SCHOOL SITE FOR REPORTS OF SEX DISCRIMINATION/SEXUAL HARASSMENT/ TITLE IX ISSUES**
- **WORK CLOSELY WITH THE TIXC**
- **INVESTIGATE**
- **PARTICIPATE IN TIX DECISION-MAKING PANELS**



Discrimination, Harassment, Sexual Harassment, and Retaliation Prohibited



AS REQUIRED UNDER FEDERAL REGULATIONS TITLE IX, VI, VII, SEC. 504

Any student or employee who feels they have been unlawfully discriminated or retaliated against, harassed, sexually harassed, or has witnessed an unlawful act should report as follows:

- ✓ Report acts of discrimination, harassment, or retaliation to a principal, teacher, supervisor, administrator, or the human resources department as soon as possible.
- ✓ Report acts of sexual harassment involving students to the school's Deputy Title IX Coordinator, whose name is listed on the school's main web page.
- ✓ Report acts of sexual harassment involving employees to the district's Title IX Coordinator, Tina Hatch.
- ✓ An investigation of the complaint will be conducted fairly and as quickly as possible.
- ✓ The complaint may be handled informally or formally.
- ✓ All investigations will be conducted in a way that protects the privacy of those involved to the greatest extent possible.

AS THE DTIXC, YOU ARE RESPONSIBLE FOR POSTING THE G-19 FLYER IN YOUR SCHOOL AND ENSURING THAT STAFF AND STUDENTS ARE TRAINED EACH YEAR



YOU'VE RECEIVED A REPORT...

- **COULD THIS BE TITLE IX SEXUAL HARASSMENT?**
- **2020 TIX PROCESS IS DIFFERENT THAN OTHER NON-DISCRIMINATION/BULLYING INVESTIGATIONS**
- **SHOULD I CONTACT THE TIXC – REVIEW FOR TIX**
- **ARE PARENTS AWARE?**
- **WILL THERE BE A SIGNED FORMAL COMPLAINT?**



OFFER ASSISTANCE

ANY INDIVIDUAL MAKING A REPORT/COMPLAINT SHOULD BE INFORMED THAT THE DISTRICT WILL PROVIDE THE FOLLOWING:

- **ASSISTANCE WITH FILLING OUT THE FORMAL COMPLAINT FORM OR OTHER NECESSARY PAPERWORK;**
- **TRANSLATION AND/OR INTERPRETER SERVICES;**
- **ASSISTANCE WITH UNDERSTANDING AND/OR UNDERTAKING THE FORMAL INVESTIGATION PROCESS; AND**
- **OTHER ACCOMMODATIONS, AS NECESSARY.**





THE 2020 TIX REGULATIONS REQUIRE THAT A RESPONDING PARTY BE ASSUMED NOT RESPONSIBLE UNTIL AFTER THE INVESTIGATIVE PROCESS IS COMPLETE.

- **NO DISCIPLINARY ACTIONS**
- **NOTHING THAT WOULD NEGATIVELY IMPACT THE RESPONDENT**
- **WE MUST DELIVER ALLEGATIONS AND PROVIDE A DEADLINE FOR A RESPONSE**
 - **DO NOT INTERVIEW THE STUDENT-RESPONDENT IF THE COMPLAINT MAY BE TIX**



THE INTAKE INTERVIEW

- **THE DTIXC WILL PERFORM AN INITIAL (INTAKE) INTERVIEW.**
 - **INTAKE CHECKLIST – INCLUDING INFORMING THE COMPLAINING PARTY OF THEIR RIGHT TO FILE A FORMAL COMPLAINT**
 - **REVIEW FOR TITLE IX FORM**
- **THE DTIXC WILL KEEP A RECORD OF THIS INTERVIEW (NOTES) AND OF ANY STEPS THEY TAKE FOLLOWING THE INTERVIEW.**
- **THE DTIXC WILL SHARE THIS DOCUMENTATION WITH THE TIXC.**



DISCUSS THE INVESTIGATIVE PROCESS

- **PROVIDE A COPY OF BOARD POLICY G-19: DISCRIMINATION, HARASSMENT, SEXUAL HARASSMENT, AND RETALIATION PROHIBITED AND ITS ACCOMPANYING G-19.B. ADMINISTRATIVE PROCEDURES.**
- **DISCUSS CONFIDENTIALITY AND ALERT THE COMPLAINANT THAT IT WOULD BE BEST NOT TO DISCUSS THE COMPLAINT.**
- **DISCUSS THE POSSIBILITY OF INFORMAL RESOLUTION – IF APPROPRIATE.**
- **INFORM THE COMPLAINANT THAT YOU WILL FORWARD A FORMAL COMPLAINT TO THE TIXC TO OVERSEE THE INVESTIGATION.**



MANDATORY REPORTING

- **IF AN EMPLOYEE/THE DTIXC LEARNS OF AN INCIDENT INVOLVING ALLEGATIONS OF CHILD ABUSE, THEY MUST IMMEDIATELY REPORT THE INCIDENT TO EITHER THE DIVISION OF CHILD AND FAMILY SERVICES (DCFS) OR LOCAL LAW ENFORCEMENT.**
- **ANY REPORT CLEARLY ALLEGING CRIMINAL CONDUCT, INCLUDING SEXUAL ASSAULT/VIOLENCE, SHOULD BE REPORTED TO LOCAL LAW ENFORCEMENT (SRO).**
- **THE TIXC/DTIXC WILL ALSO INFORM THE COMPLAINANT THAT THEY HAVE THE RIGHT TO FILE A CRIMINAL COMPLAINT AND A TITLE IX COMPLAINT SIMULTANEOUSLY.**



CONFIDENTIALITY




THE DTIXC WILL ENSURE THAT THE INDIVIDUAL MAKING THE REPORT KNOWS THE FOLLOWING:

- **WE WILL ATTEMPT TO MAINTAIN CONFIDENTIALITY BUT CANNOT GUARANTEE IT THROUGHOUT THE FORMAL INVESTIGATION PROCESS.**
 - **DISTRICT EMPLOYEES MUST MAINTAIN CONFIDENTIALITY.**
 - **ALL RELEVANT EVIDENCE GATHERED DURING A TIX INVESTIGATION *MUST BE* SHARED WITH BOTH PARTIES. (THIS INCLUDES WITNESSES' NAMES AND STATEMENTS.)**
 - **OUTSIDE OF THE INVESTIGATIVE PROCESS, WE WILL MAKE EVERY EFFORT TO KEEP THE IDENTITIES OF ALL PARTIES CONFIDENTIAL.**
- **SUPPORTIVE MEASURES WILL BE KEPT CONFIDENTIAL, UNLESS THEY REQUIRE DISCLOSURE OF CERTAIN INFORMATION.**
- **REQUESTS FOR COMPLETE ANONYMITY MAY PREVENT THE FULL INVESTIGATION OF TITLE IX SEXUAL HARASSMENT ALLEGATIONS.**



SUPPORTIVE MEASURES

- **AT ANY POINT AFTER A REPORT OF SEXUAL HARASSMENT, ANY PARTY TO THE COMPLAINT MAY REQUEST AND BE GRANTED SUPPORTIVE MEASURES TO PROVIDE SUPPORT AND/OR TO RESTORE OR PRESERVE THE EDUCATIONAL/EMPLOYMENT ENVIRONMENT.**
 - **For students, supportive measures may include safety plans, no contact orders, counseling services, class or passing time adjustments, academic adjustments, etc. The DTIXC/TIXC is responsible for implementation.**
 - **For employees, supportive measures may include no contact orders, changes to work schedules and/or sites, etc. The DTIXC/TIXC will work with human resource services to implement the supportive measures.**



Date:

CONFIDENTIAL INDIVIDUAL STUDENT SAFETY PLAN

Student Name:	DOB:	Student ID:	School:	Grade:
Special Education Eligible? <input type="checkbox"/> No <input type="checkbox"/> Yes	If yes, File Holder Name:			
504 Eligible? <input type="checkbox"/> No <input type="checkbox"/> Yes	If yes, File Holder Name:			

Parent/Guardian Contact Information			
Parent/Guardian Name:			
Cell Phone:	Home Phone:	Other:	
Emergency Contact:	Phone:		

Purpose of the Safety Plan (Why is the Plan Required?)

Crisis Response Plan	
If this student is in crisis or exhibits unsafe behavior, the school will:	Who will handle the situation?



SUPPORTIVE MEASURES

THE TIXC AND DTIXC WILL ENSURE THAT APPROPRIATE SUPPORTIVE MEASURES ARE IMPLEMENTED FOR BOTH PARTIES

THEY WILL CONTINUE TO COMMUNICATE THROUGHOUT THE INVESTIGATIVE PROCESS ABOUT THE SUPPORTIVE MEASURES

SUPPORTIVE MEASURES MAY CONTINUE AFTER THE INVESTIGATION



INFORMAL RESOLUTION

IS THE INCIDENT THAT HAS BEEN REPORTED A SITUATION THAT CAN BE ADDRESSED THROUGH AN INFORMAL RESOLUTION PROCESS?

ARE THE PARTIES INTERESTED IN INFORMAL RESOLUTION?

- **THERE ARE MANY TYPES OF INFORMAL RESOLUTION THAT MAY BE EMPLOYED TO ADDRESS STUDENT-STUDENT OR ADULT-ADULT SITUATIONS. FIND OUT IF THE INDIVIDUAL WHO IS MAKING THE COMPLAINT WOULD LIKE TO PROCEED WITH AN INFORMAL PROCESS**
 - **A FORMAL COMPLAINT MUST BE SIGNED IN ORDER TO PROCEED**
 - **APPROPRIATE NOTIFICATION MUST GO TO THE PARTIES**
 - **THE INDIVIDUAL CONDUCTING THE INFORMAL PROCESS MUST NOT BE THE INVESTIGATOR OR DTIXC**
 - **IR IS NEVER APPROPRIATE IN SITUATIONS WHERE AN ADULT IS THE RESPONDENT AND A STUDENT IS THE COMPLAINANT**



WHAT IS COVERED UNDER THE 2020 REGS?

TITLE IX SEXUAL HARASSMENT



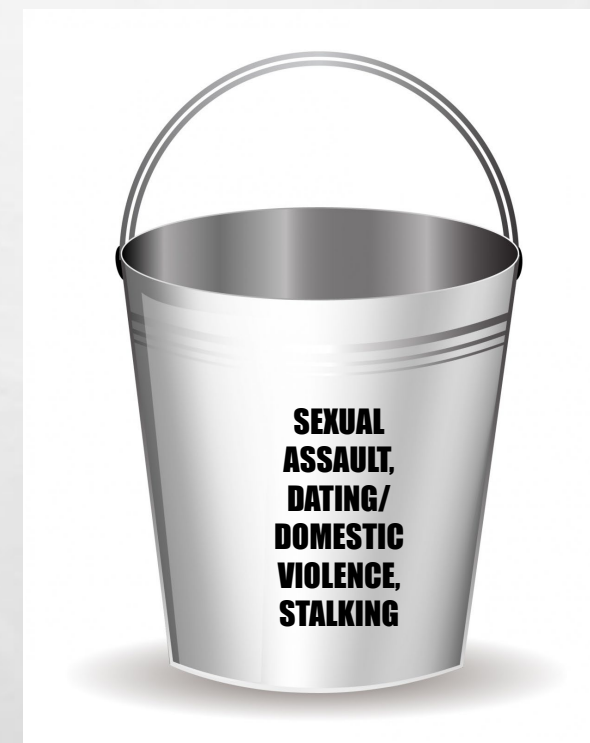
2020 REGULATIONS - DO WE HAVE JURISDICTION?

- **IN ORDER FOR A COMPLAINT TO FALL WITHIN THE TIX PROCESS, THE ALLEGED INCIDENT MUST HAVE OCCURRED WITHIN A DISTRICT PROGRAM OR ACTIVITY OR ON DISTRICT PROPERTY, AND IT MUST HAVE OCCURRED WITHIN THE UNITED STATES.**
- **THE COMPLAINANT MUST BE PARTICIPATING OR ATTEMPTING TO PARTICIPATE IN A DISTRICT PROGRAM/ACTIVITY**
- **WE MUST HAVE CONTROL OVER THE RESPONDING PARTY**
- **A FORMAL COMPLAINT MUST BE FILED.**

IF IT IS NOT WITHIN OUR JURISDICTION, WE MUST DISMISS UNDER TITLE IX.



2020 TITLE IX SEXUAL HARASSMENT



TITLE IX SEXUAL HARASSMENT - DEFINITION

- **CONDUCT ON THE BASIS OF SEX THAT SATISFIES ONE OR MORE OF THE FOLLOWING:**
 - **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 (QUID PRO QUO);**



WHAT IS QUID PRO QUO SEXUAL HARASSMENT?

- **AN EMPLOYEE OF THE DISTRICT EXPLICITLY OR IMPLICITLY INDICATING THAT IN ORDER FOR AN INDIVIDUAL TO ENJOY THE BENEFITS OF THEIR EMPLOYMENT OR EDUCATION THAT INDIVIDUAL MUST:**
 - **SUBMIT TO SEXUAL ADVANCES;**
 - **COMPLY WITH REQUESTS FOR SEXUAL FAVORS;**
 - **ENDURE OTHER VERBAL OR WRITTEN COMMUNICATIONS; OR**
 - **ACCEPT PHYSICAL CONDUCT OF A SEXUAL NATURE.**
- ***REMEMBER – ANY QUID PRO QUO INVOLVING A MINOR IS AUTOMATICALLY CONSIDERED UNWELCOME AND/OR UNWANTED.***



TITLE IX SEXUAL HARASSMENT - DEFINITION

- **CONDUCT ON THE BASIS OF SEX THAT SATISFIES ONE OR MORE OF THE FOLLOWING:**
 - **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 (QUID PRO QUO);**
 - **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;**



SEVERE AND PERVASIVE AND OBJECTIVELY OFFENSIVE

- **UNWELCOME CONDUCT THAT ALTERS THE CONDITIONS OF AN INDIVIDUAL'S EMPLOYMENT AND/OR EDUCATION AND CREATES A HOSTILE OR ABUSIVE ENVIRONMENT**
- **SEVERITY WILL BE DETERMINED ON A CASE-BY-CASE BASIS AND WILL BE BASED ON THE BEHAVIOR(S) REPORTED**
- **PERVASIVE INDICATES THAT THE BEHAVIORS ARE ONGOING/WIDESPREAD AND DOES NOT TYPICALLY INCLUDE INCIDENTS THAT OCCUR ON ONE OCCASION**
- **A REASONABLE PERSON WILL FIND THE BEHAVIOR TO BE OBJECTIVELY OFFENSIVE**
- **SEXUAL ASSAULT/VIOLENCE CLAIMS ARE CONSIDERED SEVERE – AND WILL FALL UNDER THE THIRD PRONG OF THE 2020 DEFINITION OF TITLE IX SEXUAL HARASSMENT**



EFFECTIVELY DENIES...

- **SOME EXAMPLES OF THIS WOULD INCLUDE:**
 - **THE COMPLAINANT STOPS ATTENDING A CLASS OR ALL CLASSES;**
 - **THE COMPLAINANT STOPS COMING TO WORK;**
 - **THE COMPLAINANT'S GRADES DROP;**
 - **THE COMPLAINANT'S WORK EFFECTIVENESS IS DIMINISHED;**
 - **THE COMPLAINANT DROPS OUT OF SCHOOL; AND/OR**
 - **THE COMPLAINANT QUILTS THEIR JOB.**

Remember, if the individual felt an action was serious enough that they filed a complaint, that is enough for us to act.



TITLE IX SEXUAL HARASSMENT - DEFINITION

- **CONDUCT ON THE BASIS OF SEX THAT SATISFIES ONE OR MORE OF THE FOLLOWING:**
 - **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 (QUID PRO QUO);**
 - **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;**
 - **CONDUCT THAT COULD BE CONSIDERED SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, AND/OR STALKING.**



SEXUAL ASSAULT (20 U.S.C. 1092(F)(6)(A)(V))

CONDUCT THAT SATISFIES ONE OR MORE OF THE FOLLOWING:

- **ANY ATTEMPTED OR ACTUAL SEXUAL ACT DIRECTED AGAINST ANOTHER PERSON, WITHOUT CONSENT OF THE VICTIM, INCLUDING INSTANCES WHERE THE VICTIM IS INCAPABLE OF GIVING CONSENT;**
- **RAPE IS THE PENETRATION, NO MATTER HOW SLIGHT, OF THE VAGINA OR ANUS, WITH ANY BODY PART OR OBJECT, OR ORAL PENETRATION BY A SEX ORGAN OF ANOTHER PERSON, WITHOUT CONSENT OF THE VICTIM;**
 - **THIS OFFENSE INCLUDES THE RAPE OF ANY INDIVIDUAL, REGARDLESS OF GENDER/GENDER IDENTITY.**
- **FONDLING IS THE TOUCHING OF THE PRIVATE BODY PARTS OF ANOTHER PERSON FOR THE PURPOSE OF SEXUAL GRATIFICATION, WITHOUT THE CONSENT OF THE VICTIM, INCLUDING INSTANCES WHERE THE VICTIM IS INCAPABLE OF GIVING CONSENT BECAUSE OF THEIR AGE OR BECAUSE OF TEMPORARY OR PERMANENT MENTAL INCAPACITY;**
- **INCEST IS SEXUAL INTERCOURSE BETWEEN PERSONS WHO ARE RELATED TO EACH OTHER WITHIN THE DEGREES WHEREIN MARRIAGE IS PROHIBITED BY LAW; AND**
- **STATUTORY RAPE IS SEXUAL INTERCOURSE WITH A PERSON WHO IS UNDER THE STATUTORY AGE OF CONSENT.**



HOW DO WE DEFINE CONSENT IN UTAH?

UTAH LAW STATES THAT CONSENT:

- **MUST BE GIVEN THROUGH WORDS OR CONDUCT;**
- **CANNOT BE GIVEN WHEN AN INDIVIDUAL IS OVERCOME THROUGH THE APPLICATION OF PHYSICAL FORCE, VIOLENCE, CONCEALMENT, THE ELEMENT OF SURPRISE, KIDNAPPING, EXTORTION, OR THE THREAT OF RETALIATORY MEASURES;**
- **CANNOT BE GIVEN BY AN INDIVIDUAL WHO IS UNCONSCIOUS, UNAWARE THAT THE ACT IS OCCURRING, UNABLE OR INCAPABLE OF RESISTING, OR HAS BEEN ADMINISTERED A BEHAVIOR ALTERING SUBSTANCE WITHOUT THEIR KNOWLEDGE;**
- **CANNOT BE GIVEN BY SOMEONE YOUNGER THAN 14 YEARS OF AGE;**
- **CANNOT BE GIVEN BY SOMEONE YOUNGER THAN 18 YEARS OF AGE TO SOMEONE MORE THAN THREE YEARS OLDER THAN THAT INDIVIDUAL; AND**
- **CANNOT BE GIVEN BY SOMEONE YOUNGER THAN 18 TO AN INDIVIDUAL IN A POSITION OF SPECIAL TRUST.**



DATING VIOLENCE (34 U.S.C. 12291(A)(10))

VIOLENCE COMMITTED BY A PERSON WHO IS OR HAS BEEN IN A SOCIAL RELATIONSHIP OF A ROMANTIC OR INTIMATE NATURE WITH THE VICTIM. THE EXISTENCE OF SUCH A RELATIONSHIP SHALL BE DETERMINED BASED ON THE REPORTING PARTY'S STATEMENT AND WITH CONSIDERATION OF THE LENGTH OF THE RELATIONSHIP, THE TYPE OF RELATIONSHIP, AND THE FREQUENCY OF INTERACTION BETWEEN PERSONS INVOLVED IN THE RELATIONSHIP. FOR THE PURPOSES OF THIS DEFINITION:

- A. DATING VIOLENCE INCLUDES, BUT IS NOT LIMITED TO, SEXUAL OR PHYSICAL ABUSE OR THE THREAT OF SUCH ABUSE; AND**
- B. DATING VIOLENCE DOES NOT INCLUDE ACTS COVERED UNDER THE DEFINITION OF DOMESTIC VIOLENCE.**



DOMESTIC VIOLENCE (34 U.S.C. 12291(A)(8))

VIOLENCE COMMITTED BY A CURRENT OR FORMER SPOUSE OR INTIMATE PARTNER OF THE VICTIM; A PERSON WITH WHOM THE VICTIM SHARES A CHILD IN COMMON; A PERSON WHO IS COHABITATING WITH, OR HAS COHABITATED WITH, THE VICTIM AS A SPOUSE OR INTIMATE PARTNER; A PERSON SIMILARLY SITUATED TO A SPOUSE OF THE VICTIM AS PROVIDED FOR UNDER UTAH LAW; OR ANY OTHER PERSON AGAINST AN ADULT OR YOUTH VICTIM WHO IS PROTECTED FROM THAT PERSON'S ACTS UNDER UTAH LAW.



STALKING [34 U.S.C. 12291(A)(30)]

ENGAGING IN A COURSE OF CONDUCT DIRECTED AT A SPECIFIC PERSON THAT WOULD CAUSE A REASONABLE PERSON TO FEAR FOR THE PERSON'S SAFETY OR THE SAFETY OF OTHERS; OR SUFFER SUBSTANTIAL EMOTIONAL DISTRESS. FOR THE PURPOSES OF THIS DEFINITION:

- A. COURSE OF CONDUCT MEANS TWO OR MORE ACTS, INCLUDING, BUT NOT LIMITED TO, ACTS IN WHICH THE STALKER DIRECTLY, INDIRECTLY, OR THROUGH THIRD PARTIES, BY ANY ACTION, METHOD, DEVICE, OR MEANS, FOLLOWS, MONITORS, OBSERVES, SURVEILS, THREATENS, OR COMMUNICATES TO OR ABOUT A PERSON, OR INTERFERES WITH A PERSON'S PROPERTY;**
- B. REASONABLE PERSON MEANS A REASONABLE PERSON UNDER SIMILAR CIRCUMSTANCES AND WITH SIMILAR IDENTITIES TO THE VICTIM; AND**
- C. SUBSTANTIAL EMOTIONAL DISTRESS MEANS SIGNIFICANT MENTAL SUFFERING OR ANGUISH THAT MAY BUT DOES NOT NECESSARILY REQUIRE MEDICAL OR OTHER PROFESSIONAL TREATMENT OR COUNSELING.**



DTIXC HAS COMPLETED THE INTAKE INTERVIEW; NOW WHAT?

**IF THE TIXC/DTIXC DETERMINES THAT THE ALLEGATIONS
FALL OUTSIDE OF THE DEFINITION OF SEXUAL
HARASSMENT UNDER TITLE IX...**

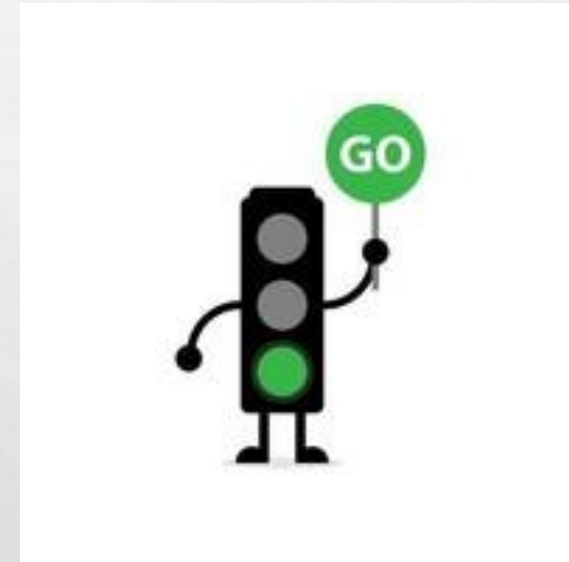
- **ALLEGATIONS INVOLVING ONLY STUDENTS THAT INCLUDE A STUDENT CODE OF CONDUCT VIOLATION, BULLYING, DISCRIMINATION, ETC. WILL BE INVESTIGATED AT THE SCHOOL SITE BY THE DESIGNATED ADMINISTRATOR.**
- **ALLEGATIONS THAT INVOLVE EMPLOYEES, VENDORS, VISITORS, AND VOLUNTEERS SHOULD BE FORWARDED TO THE COMPLIANCE OFFICER AND THE EXECUTIVE DIRECTOR OF HRS FOR INVESTIGATION.**



DTIXC HAS COMPLETED THE INTAKE INTERVIEW, NOW WHAT?

THE TIXC/DTIXC DETERMINES THAT THE ALLEGATIONS FALL WITHIN THE DEFINITION OF SEXUAL HARASSMENT UNDER TITLE IX...

- SUPPORTIVE MEASURES
- PROVIDE G-19.B - TITLE IX PROCESS
 - INCLUDING PROTECTIONS FOR RETALIATION
- FORMAL COMPLAINT FORM



THE COMPLAINT

- **THE COMPLAINT FORM SHOULD INCLUDE AS MUCH INFORMATION AS POSSIBLE (AND UNDER 2020, SHOULD BE SIGNED BY THE COMPLAINANT).**
- **IF THE COMPLAINANT CHOOSES NOT TO FILE A COMPLAINT, BUT THE DTIXC BELIEVES THAT SERIOUS HEALTH AND SAFETY CONCERNS EXIST, THE DTIXC CAN SIGN A COMPLAINT FORM.**
 - **SIGNING THE COMPLAINT FORM DOES NOT MAKE THE DTIXC A PARTY TO THE COMPLAINT.**



NEXT STEPS

- **IF A FORMAL COMPLAINT HAS BEEN SIGNED, THE TIXC/DTIXC WILL COMMUNICATE THEIR DETERMINATION REGARDING WHETHER THE COMPLAINT FALLS UNDER TITLE IX OR ANOTHER BOARD POLICY TO THE COMPLAINANT, BOTH VERBALLY AND IN WRITING (USUALLY VIA EMAIL).**
- **IF NO FORMAL COMPLAINT IS SIGNED, AND THE TIXC/DTIXC DETERMINES THEY WILL NOT SIGN, THE TIXC/DTIXC WILL DOCUMENT THAT DETERMINATION AND THE REASONS FOR IT.**



SAFETY RISK/THREAT – REMOVAL OF THE STUDENT-RESPONDENT

- **IF IT APPEARS THERE IS A SAFETY RISK IN ALLOWING THE STUDENT-RESPONDENT TO REMAIN AT SCHOOL:**
 - **CONTACT STUDENT SERVICES FOR AN INDIVIDUALIZED SAFETY/RISK ASSESSMENT**
 - **A QUALIFIED INDIVIDUAL WILL PERFORM THE ASSESSMENT**
- **IF WE REMOVE THE STUDENT:**
 - **THE DTIXC WILL ENSURE THAT THE STUDENT-RESPONDENT IS PROVIDED WITH APPROPRIATE EDUCATIONAL SERVICES DURING THE DURATION OF THE REMOVAL**
 - **AN ALTERNATE PLACEMENT MAY BE CONSIDERED FOR REMOVALS OF LONG DURATION**
- **IF THE RESPONDENT STUDENT HAS AN IEP:**
 - **A MANIFESTATION OF DISABILITY HEARING MAY BE HELD, IF NECESSARY, AS PART OF THE REMOVAL PROCESS**
- **THE REMOVAL MAY BE APPEALED BY THE STUDENT-RESPONDENT**



SAFETY RISK/THREAT – REMOVAL OF THE EMPLOYEE-RESPONDENT

- **AN EMPLOYEE-RESPONDENT MAY BE PLACED ON PAID ADMINISTRATIVE LEAVE FOR THE DURATION OF THE INVESTIGATIVE PROCESS.**





WHO WILL PERFORM THE INVESTIGATION?

- **IT MAY BE THE TIXC, EXCEPT:**
 - **WHEN THERE IS A CONFLICT OF INTEREST**
 - **WHEN THERE ARE EXIGENT CIRCUMSTANCES**
 - **WHEN THE TIXC CANNOT CONDUCT THE INVESTIGATION IN A REASONABLE TIME FRAME – CASE LOAD**
- **IF A DTIXC INVESTIGATES, THEY WILL BE TRAINED**

THE TIXC WILL PROVIDE OVERSIGHT AND COORDINATION FOR ANY INVESTIGATIONS PERFORMED BY A DTIXC.



DECISION MAKING

- **WHEN A DTIXC IS ASKED TO PARTICIPATE IN A DECISION-MAKING PANEL:**
 - **WILL BE TRAINED**
 - **NOT THEIR OWN SCHOOL COMMUNITY**
 - **ASKED ABOUT ANY POTENTIAL CONFLICTS OF INTEREST**
 - **WILL RECEIVE GUIDANCE ABOUT THE RELEVANCE OF EVIDENCE AND/OR QUESTIONS**
 - **WILL BE ASSISTED WITH THE CREATION OF THE FINAL DETERMINATION/
DISCIPLINARY REPORT**



BIAS OR CONFLICTS OF INTEREST

- **ANY INDIVIDUAL WHO PARTICIPATES IN THIS PROCESS MAY NOT HAVE A CONFLICT OF INTEREST OR BIAS FOR OR AGAINST COMPLAINANTS OR RESPONDENTS GENERALLY OR AN INDIVIDUAL COMPLAINANT OR RESPONDENT.**
 - **WHAT WOULD INDICATE A CONFLICT OF INTEREST?**
- **EACH INDIVIDUAL MUST SERVE IMPARTIALLY, INCLUDING BY AVOIDING PREJUDGMENT OF THE FACTS AT ISSUE, CONFLICTS OF INTEREST, AND BIAS.**



STUDENT RECORDS

- **IF YOU NOTICE THAT SOMEONE HAS ENTERED “SEXUAL HARASSMENT” AS A VIOLATION IN A STUDENT’S RECORD, AND YOU WERE NOT AWARE/DON’T BELIEVE THAT A TIX INVESTIGATION HAS TAKEN PLACE, CONTACT THE TIXC IMMEDIATELY**
- **A SEXUAL HARASSMENT INCIDENT ENTRY SHOULD ONLY BE PRESENT AFTER A TIX INVESTIGATIVE PROCESS AND A “RESPONSIBLE” FINDING**
- **THIS COULD IMPACT STUDENT ATHLETES – NCAA**



Scenario One

A school counselor reports to you that a student told them that they were raped after the football game on Friday night. The student said that they were afraid to tell their parent and they haven't reported the rape to law enforcement. They also tell you that the Respondent is in two classes with them.

- What is your plan of action?





Scenario Two

The DTIXC received an anonymous email alleging that there was a sexual assault after the debate competition at your school last Friday. The reporter alleges that the sexual assault involved a student and an adult. They named the debate coach, who is also a teacher at your school, as the Respondent, and also named the Complainant, a student on the debate team who stayed to help the coach clean up. The alleged assault occurred inside the adult's car while it was parked in the student parking lot.

- What steps must the DTIXC take upon receiving this email?
- Does the school have jurisdiction when an assault occurs in the school's parking lot, after everyone else is gone and the school is locked up?
- Can the district find the coach responsible for a policy violation if they committed this assault outside of regular school hours?
- What else should you consider?
- The coach quits immediately after speaking with police, before we can send the notice of allegations. Does the district have an obligation to continue the investigation?



Scenario Three

Student Q, a male, has been avoiding class for the last two weeks. Q is caught vaping in the bathroom during second period, when he should be in class. As the assistant principal is talking to Q about the vaping incident, Q explains that he doesn't want to go to class because another male student, Student Z, has been calling him derogatory slurs, grabbing his genitals, and making jokes about dating him. Q tells the AP that Z has been doing this every day since the start of the semester six weeks ago, and that no matter how many times he has asked Z to stop, Z refuses. Q breaks down as he tells the AP that Z has started making fun of him in the class's SnapChat study group and other kids piled on. Q says it's just too much and confides in the AP that he has been considering self-harm.

What should you do?





Scenario Four

Student W came to you to report that another student has been stalking them. They tell you that Student X is following them around the school and has followed them home on a couple of occasions. After asking a few questions about why X might be following them, you discover that W hit X's car in the parking lot and then drove away. W confesses that the X has been trying to make them pay for the damage to their car.

What is the TIXC obligated to do in this scenario? Is this TIX stalking?



Scenario Five

A ninth-grade student tells you that he has been involved in a relationship with a junior. He says that they have been intimate, and that he is afraid he may have an STI. The student says that he hasn't told his parents or his girlfriend.

The student then shows you a bruise on his arm and a bite mark on his wrist and explains that because of his fear of the STI or his girlfriend becoming pregnant, he told his girlfriend they couldn't have sex again and he wanted to break up. He said that his girlfriend got angry, punched his arm, bit his wrist, and then slapped him across the face.

While you are speaking with the student, you pull up his PowerSchool record and discover that he is still 13.

What steps must you take?







**QUESTIONS?
COMMENTS?
CONCERNS?**

