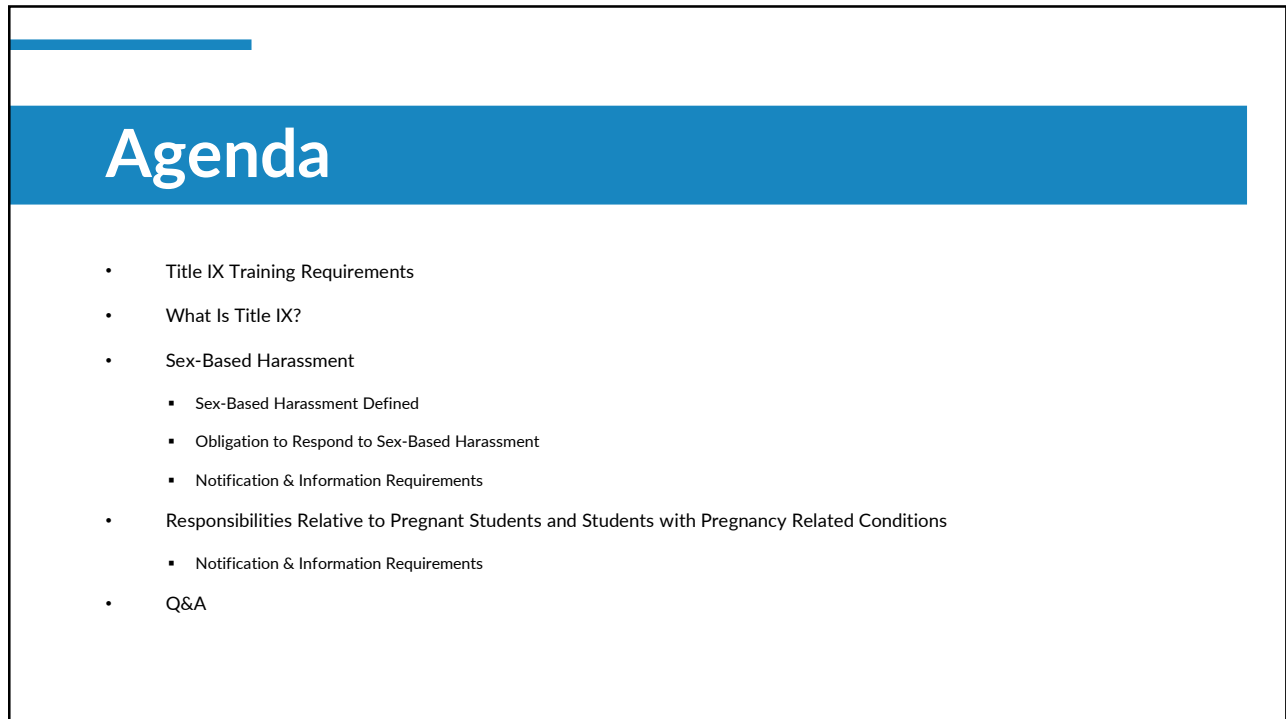




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Title IX Training Requirements - All Employees

- Annual training for all employees covering:
 - School's obligation to address sex discrimination under Title IX;
 - Scope of conduct that constitutes sex discrimination under Title IX;
 - All notification and information requirements under 106.40(b)(2) and 106.44.
 - 106.40(b)(2) - Requirements to notify pregnant students and students with pregnancy related conditions of Title IX Coordinator name and contact information and obligation to ensure equal access;
 - 106.44 - Grievance procedures and notification and information requirements.



3

Title IX Statute

(20 U.S.C. §§ 1681–1688)

"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."

4

Sex-Based Conduct

Under the 2024 Regulations, sex-based conduct includes discrimination on the basis of:

- Sex stereotypes
- Sex characteristics
- Pregnancy or related conditions
- Sexual orientation
- Gender identity

5

Sex-Based Harassment Under Title IX

Quid Pro Quo

VAWA/Clery (Specific Offenses)

Hostile Environment

6

Title IX Quid Pro Quo Sex-Based Harassment

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

Severity and harm presumed.

Quid = Something

Pro = For

Quo = Something

7

Title IX Quid Pro Quo Sex-Based Harassment: Examples

A teacher tells a student they will provide them with a letter of recommendation for college, but only if they engage in a sexual favor.

A coach tells a player they can be in the starting lineup, but only if they stay after practice to engage in a sex act.

The school newspaper student editor, who has sole editorial discretion, tells a staff writer they can have a cover story, but only if they will have sex with the editor.

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VAWA/Clery Act - Specific Offenses

Sexual Assault 20 U.S.C. 1092(f)(6)(A)(v)

Domestic Violence 34 U.S.C. 12291(a)(8)

Dating Violence 34 U.S.C. 12291(a)(10)

Stalking 34 U.S.C. 12291(a)(30)

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Sexual Assault Under VAWA

- Sexual Assault Includes:
 - Penetration Without Consent (Rape)
 - Fondling Without Consent
 - Incest
 - Statutory Rape

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Hostile Environment Sex-Based Harassment

- Unwelcome **sex-based** conduct that, based on the totality of the circumstances is **subjectively and objectively offensive** and is so **severe** or **pervasive** that it limits or denies that recipient's education program or activity.

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Hostile Environment Sex-Based Harassment: Factors

The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;

The type, frequency, and duration of the conduct;

The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effect of the conduct;

The location of the conduct and the context in which the conduct occurred; and

Other sex based harassment in the recipient's education program or activity.

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Is This Hostile Environment Sexual Harassment?

A group of students incessantly taunts another student, calling her a slur used for lesbians and mocking her “boy” hair.



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Is This Hostile Environment Sexual Harassment?

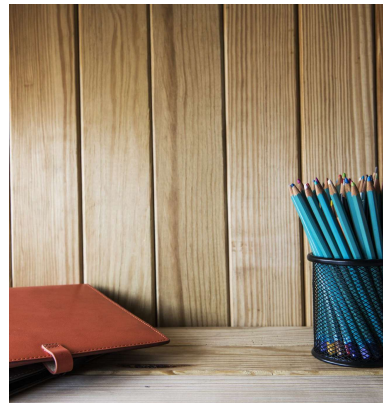
One student repeatedly sits next to the same student on the school bus and shows them inappropriate images of naked individuals on their cell phone. The seatmate asks them to stop, but the student refuses to stop.



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Is This Hostile Environment Sexual Harassment?

A teacher tells a student he will give her a good grade if she gives him a backrub alone in his office after class.



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Obligation to Respond to Title IX Sex-Based Conduct

When must a school respond to sex-based conduct?

A recipient (school) with knowledge of conduct that may reasonably constitute sex discrimination in its program or activity must respond promptly and effectively.

16

Key Word: “Allegation”

Once a school has notice of **an allegation** that, **if true**, would constitute sexual harassment, it must respond

“Well, we didn’t believe there was enough evidence it happened” does not get you past your responsibility to use your Title IX procedures

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Obligation to Respond to Title IX Sex-Based Conduct

Who has to respond when they have knowledge?

What do they have to do?

All K-12 employees must notify the Title IX Coordinator once they become aware of an allegation of sex misconduct.

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Responsibilities Relative to Pregnant Students/Students with Pregnancy Related Conditions

- When a student (or any person acting on their behalf) notifies **any employee** of their pregnancy or pregnancy related condition, the employee must promptly provide that person with:
 - The Title IX Coordinator's contact information;
 - Notice that the Title IX Coordinator can take specific actions to prevent sex discrimination and ensure equal access.
- The District must make reasonable modifications for pregnancy and pregnancy related conditions.

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Questions?



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