

# IDAHO K-12 TITLE IX PROFESSIONAL LEARNING COMMUNITY #2

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# MEETINGS THROUGH JUNE

▶ 9 am MT/8 am PT – 60 mins

▶ Oct 8

▶ Nov 12

▶ Dec 10

▶ Jan 14

▶ Feb 11

▶ March 11

▶ April 8

▶ May 13

▶ June 10

ICS training through state

# EXECUTIVE ORDER NO. 2024-08

# EO 2024-08

## DEFENDING WOMEN'S SPORTS ACT

- ▶ <https://gov.idaho.gov/wp-content/uploads/2024/08/eo-2024-08.pdf>
- ▶ Title IX regulatory amendments regarding eligibility for athletic teams NOT published for final implementation
  - ▶ BUT if they had, we have the Fairness in Women's Sports Act (Idaho Code 33-6201 et seq)
  - ▶ AND the new Title IX regs (enjoined in Idaho) discuss application opposing state laws + supremacy clause
- ▶ WHAT DOES THIS MEAN FOR YOU??

# CASE SCENARIOS

# WHAT'S COME UP FOR YOU?

# SCENARIO #1

- ▶ As a Title IX Coordinator:
  - ▶ What do you want to know about this situation?
  - ▶ How do you assess what to do next?
  - ▶ What role can the team coach play in handling this situation?

# IMPORTANT DEFINITIONS – 34 CFR 106.30

- ▶ **Actual knowledge** - Notice of sexual harassment or allegations there of to the TIX Coordinator OR to ANY employee of an elementary or secondary school
- ▶ **Formal Complaint** – A document filed by the complainant or signed by the TIXC alleging sexual harassment against a respondent requesting the school investigate
  - ▶ Complainant must be participating in or attempting to participate in an educational program or activity



# IMPORTANT DEFINITIONS – 34 CFR 106.30

- ▶ **Sexual Harassment** – conduct on the basis of sex that is:
  - ▶ Quid pro quo by an employee (conditioning of a benefit, help, etc. on participation in sexual contact); OR
  - ▶ Unwelcome conduct that is so severe, pervasive and objectively offensive that it effectively denies access; OR
  - ▶ Sexual assault – forcible or nonforcible sex offense; OR

# IMPORTANT DEFINITIONS – 34 CFR 106.30

- ▶ **Sexual Harassment** (con't)– conduct on the basis of sex that is:
  - ▶ Dating violence – violence committed within an intimate or romantic relationship; OR
  - ▶ Domestic violence - misdemeanor or felony crime; OR
  - ▶ Stalking – a course of conduct directed at a specific person that would cause a reasonable person fear for their safety or other's safety or to suffer substantial emotional distress.

# RESPONSE WITH OR WITHOUT FORMAL COMPLAINT – 34 CFR 106.44

- ▶ When you have **actual knowledge** of **sexual harassment** in an **education program or activity** – must respond in a way that is not deliberately indifferent
- ▶ You must:
  1. Treat complainants and respondents equitably
  2. Follow a 106.45 compliant grievance process **BEFORE** implementing disciplinary measures or other actions that are not supportive measures

# RESPONSE WITH OR WITHOUT FORMAL COMPLAINT – 34 CFR 106.44

- ▶ Title IX Coordinator should promptly contact the complainant to:
  - ▶ discuss the availability of supportive measures,
  - ▶ consider their wishes, and
  - ▶ explain the process for filing a formal complaint
- ▶ Document, document, document!

# SCENARIO #1

- ▶ What do you do if the student files a formal complaint?
- ▶ What do you do if the student doesn't want to file a formal complaint?

# WHAT QUESTIONS OR CONCERNS HAVE ARISEN FOR YOU THIS MONTH?

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