

# TITLE IX TRAINING

ST. CLOUD AREA  
SCHOOL DISTRICT 742

LEADERSHIP PD  
FEBRUARY 2025

Administrators>Title IX>Title IX  
Complaint Packet

[https://drive.google.com/drive/folders/1sMtrMYORqeUTSKgmiKoMtIWxfdBkLx\\_o?usp=drive\\_link](https://drive.google.com/drive/folders/1sMtrMYORqeUTSKgmiKoMtIWxfdBkLx_o?usp=drive_link)

# Title IX

“No person in the United States shall, **on the basis of sex**, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity receiving Federal financial assistance.”

- Title IX of the Education Amendments of 1972

# Definitions of Sexual Harassment

**No longer includes sexual orientation or gender identity under definition of sex**

- **Quid Pro Quo**- A school employee conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct
  
- **Sexual Assault, dating violence, domestic violence or stalking**
  - NOTE: These types of misconduct are not evaluated for severity, pervasiveness, offensiveness, or denial of equal educational access
  
- **Unwelcome conduct** on the basis of sex that is
  - **so severe, pervasive, and objectively offensive**
  - that it effectively denies a person equal access to the school's education program or activity
    - "reasonable person" standard

# Parties

- **Complainant:** The person who experienced the alleged sexual harassment (“victim”)
  - Usually, the complainant files the formal complaint
- **Respondent:** The person accused of engaging in sexual harassment (“perpetrator”)
  - Presumed innocent and credible

## Who is covered:

- The complainant must be a current student or employee or “attempting to participate”
- If the respondent is no longer enrolled the school *may* end its investigation
- The complainant may withdraw the complaint at any time and the school *may* end its investigation
  - *Caveat: must avoid “deliberate indifference”*

# Mandatory Reporting by All Staff

- **All** employees/staff members have an obligation to report instances of sexual harassment.
  - Witnessed
  - Heard about
- A school has “actual knowledge” of a Title IX allegation if notice is given to any employee/staff of the school.

# How bad does it have to be?

"Severe" AND

- "of a great degree"

"Pervasive" AND

- "existing in or spreading through every part of something"

"Objectively  
offensive"

- "undistorted by emotion or personal bias"
- "perceptible to persons other than the individual affected"

Preponderance of  
the Evidence  
Standard

- "more likely than not"

# The result: “Denied equal access”

## Reasonable person standard

- Doesn't require dropping out of school, panic attack or “breaking point”
- Doesn't require manifestations of trauma or “constructive expulsion”
- May not refuse to respond because complainant is “high functioning”

## Signs of unequal access

- Skipping class to avoid harasser
- Decline in grades
- Difficulty concentrating in class

# Online Sexual Harassment

- Must meet the same standards, regardless of the method of harassment but must have a clear nexus to school
- Examples:
  - Use of computer/internet networks owned or operated by school
  - Use of a personal device during class time to perpetrate online harassment
- Expressed concerns about First Amendment rights
  - Severity and pervasiveness required so as not to punish verbal conduct in a manner that chills and restricts speech
- The school may have to investigate the matter under Board Policy 413 or the Code of Conduct even if not required by Title IX

# Where it must occur: Scope of the Education Program and Activities

- Any school event
  - Employment
  - Extracurricular activities
  - Athletics, performances
  - Community engagement and outreach programs
- Any location where a school event was taking place
  - Remote/virtual learning
  - School bus or other school-related vehicle
  - Enroute to or from school
  - Off campus on a telecommunications access device or service provider owned or under the control of the Academy
- Does not cover actions off campus unless the school exercised **substantial control** over both the **respondent** and the **context** in which the sexual harassment occurred

# Title IX vs. Code of Conduct Violations

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Behavior  
that doesn't  
meet the  
Title IX  
requirements

Not **so severe, pervasive, and objectively offensive** that it effectively denies a person equal access to an education

OR

Not done within the scope of the educational program or activity

OR

No formal complaint

Disciplined  
under the  
Code of  
Conduct

School is entitled to take action under another provision of the Code of Conduct

Preponderance of the evidence standard

# Mandatory Initial Response

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- Legal obligation to “respond promptly”
- in a manner that *is not deliberately indifferent*
  - response that is not clearly unreasonable in light of the known circumstances.
- Offer appropriate supportive measures to restore or preserve equal access to the educational program or activity
- Confirm whether the complainant wants to initiate or participate in a grievance process
- Title IX Coordinator to file a formal complaint when necessary to avoid deliberate indifference if the complainant chooses not to do so.

## “Supportive Measures”

- Reasonably available individualized services
- non-punitive, non-disciplinary prior to decision
- not unreasonably burdensome to the other party
- designed to:
  - ensure equal educational access,
  - protect safety or
  - deter sexual harassment.

# Examples of Supportive Measures

- Move student(s) from classes
- Mental health support
- Altered schedules
- Extended deadlines
- Student conference(s) with administrator
- Counseling/therapeutic interventions
- Classroom reassignment
- Teacher notification plan
- Parent meeting(s)
- Safe person plan
- Increased monitoring/supervision
- Mutual restrictions on contact between parties
- Check in – Check out
- Unstructured areas safety plan
- Bus planning/notification

# The Title IX Team

## Title IX Coordinator

- District: Coordinator
- School: Assistant Coordinator

## Investigator

- May be the Title IX Coordinator

## Decision maker

- May not be either the Title IX Coordinator or the Investigator

## Appeal decision maker

(none of the former)

# Formal Complaint Grievance Process

- Grievance procedures require a detailed investigative process and subsequent decision
- Emphasis on “fair, equitable and without bias” process with equal access to investigative information
- The school has the burden of gathering the evidence
- It is a procedurally complex and time consuming process
- The investigator(s) cannot be the decision-makers
- ***School may not take any disciplinary action against Respondent during the grievance process***

- School may impose discipline sanctions against the Respondent prior to completion of the grievance process only if
  
- Individualized safety and risk analysis completed
  - determined that emergency removal is necessary
  - to protect a student or other individual from
  - an **immediate** threat to **physical** health or safety
  
- If there is an emergency removal, the School must provide the respondent with
  - notice and
  - an opportunity to challenge the decision immediately after the removal

## Exception: Emergency Removals

## What Does Initial Contact Meeting Look Like?

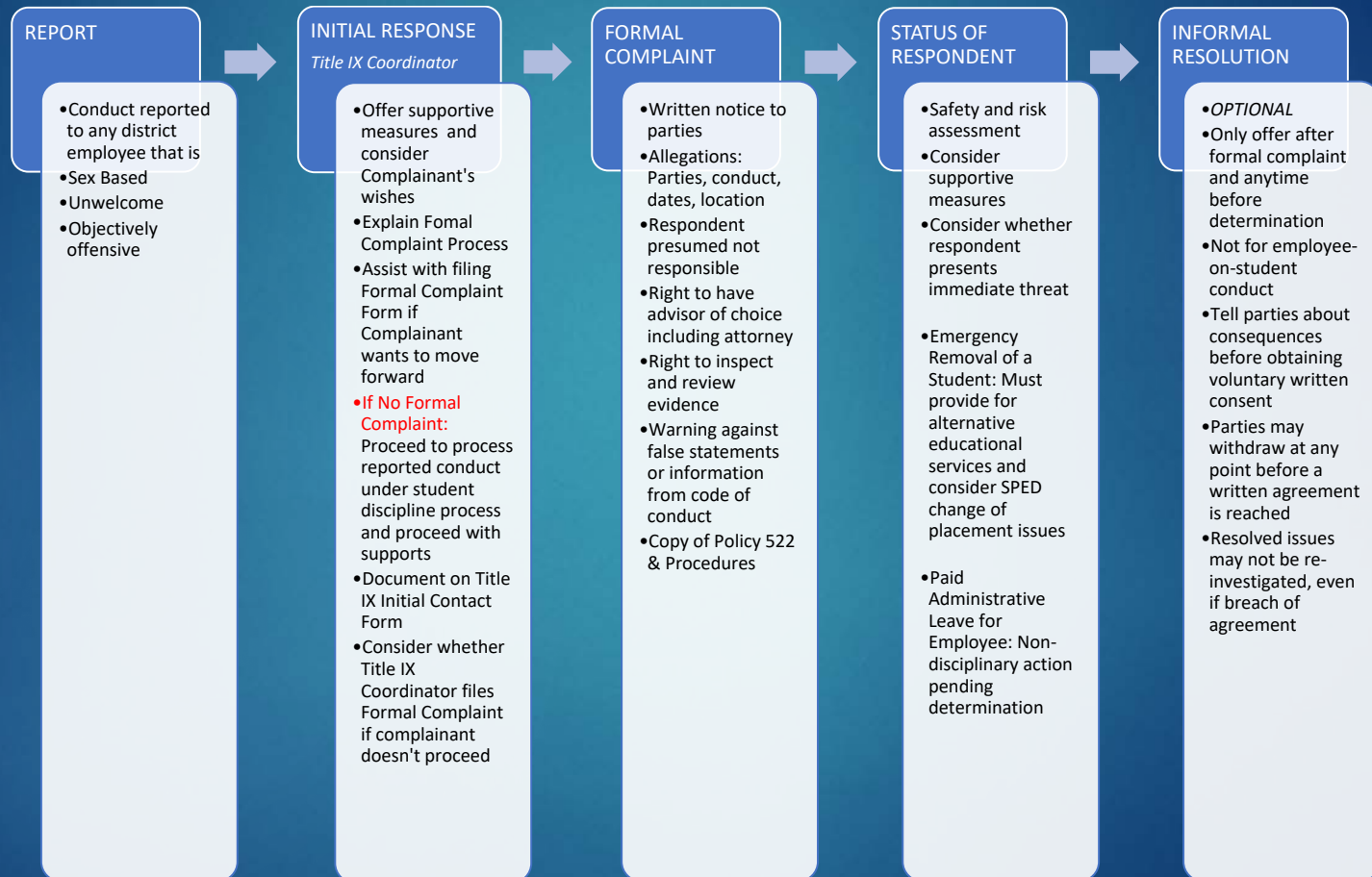
- ▶ Promptly contact the complainant to:
  - Take information about the reported conduct
  - Explain the process for filing a formal complaint
  - Offer supportive measures to complainant and respondent
- ▶ Determine whether they wish to file a formal complaint



# Process Map ~ 60 days to complete

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## PROCESS MAP OF A TITLE IX COMPLAINT



# Initial Contact Meeting

Review the instructions and complete form

- ▶ Must occur before ANY investigation begins
- ▶ Meet with the complainant and explain the definition of sexual harassment and the grievance procedures (review the process map)
- ▶ Explain that they can file a formal complaint under those procedures OR they can waive the formal process and authorize you to proceed to investigate and respond under the Code of Conduct
- ▶ Offer Supportive Measures to both parties
- ▶ Complete the Initial Contact Meeting form and send to Human Resources.

## Title IX Sexual Harassment Initial Contact Form

*This Title IX Sexual Harassment Investigation Form is to be used to document the school's initial meeting with a student reporting conduct that may violate Board Policy 522 and Title IX, and to comply with the reporting requirements for all alleged incidents of sexual harassment*

### REPORTING:

Complete one Title IX Initial Contact Form for each allegation of sexual harassment reported to school staff.

School Personnel completing form: \_\_\_\_\_

Position: \_\_\_\_\_

Confirmation that the Title IX Coordinator/Assistant Coordinator does not have a conflict of interest

Name and position of school staff member that received initial report of offensive conduct:

\_\_\_\_\_

Date and time conduct reported to school staff member: \_\_\_\_\_

Date and time reported to Title IX Coordinator (if different): \_\_\_\_\_

Method by which the report was made:

In Person

Email

Telephone

Mail

Other \_\_\_\_\_

Date(s) and location of incident(s): \_\_\_\_\_

Name of Complainant	Age	Grade	Notes
Name of Respondent (s)	Age	Grade	Notes

# Initial Contact Meeting Form

Is the student requesting to file a formal complaint?

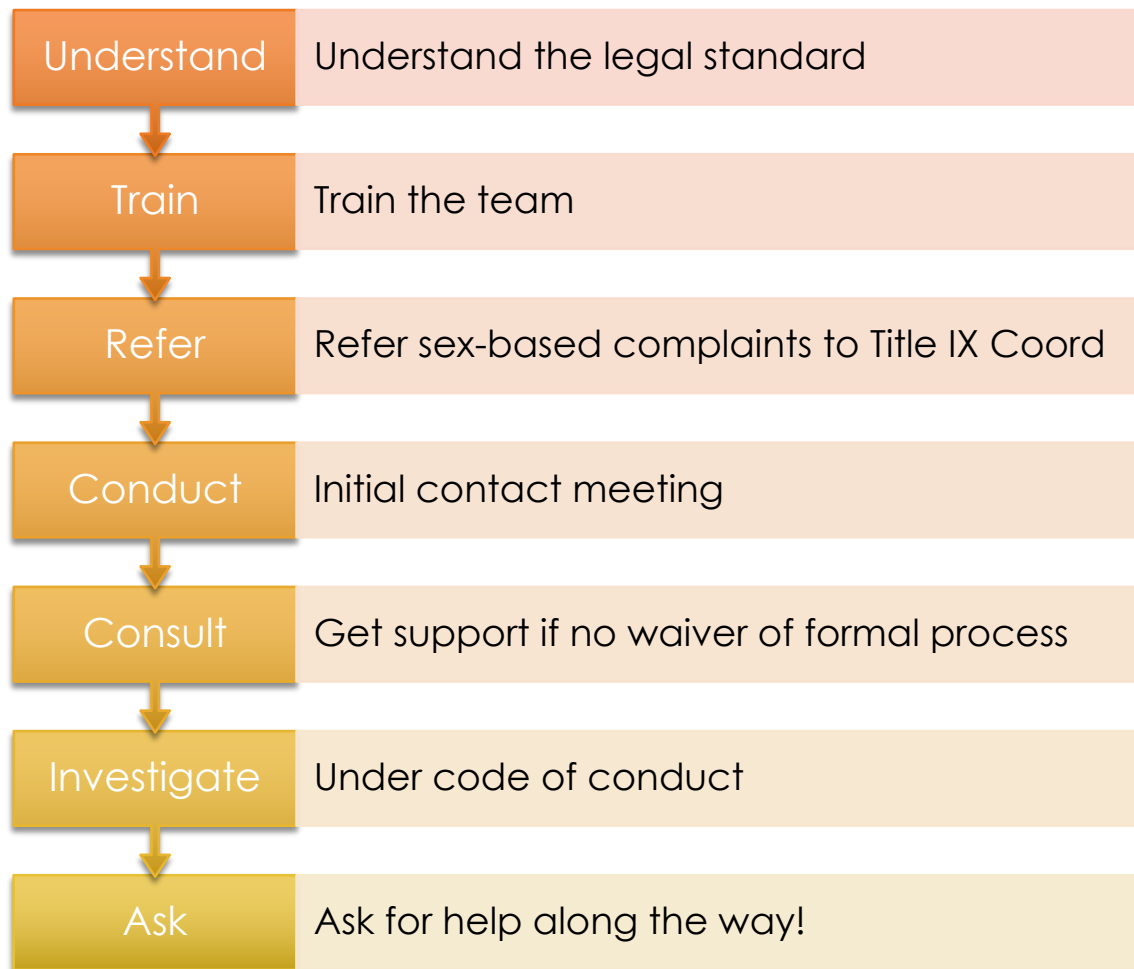
- If Yes, contact the Title IX Coordinator to proceed with formal complaint
- If No, is the conduct so serious that the district should file a complaint – contact Title IX Coordinator for review of the allegations
- If No, proceed under code of conduct to respond to reported conduct

Date:

Signature of Title IX Officer:

# Initial Contact Meeting Form

# Summary



# Questions?

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