Rockdale County Public Schools
Title IX Overview

20 U.S.C. § 1681 & 34 C.F.R. Part 106 (1972)

Title IX of the Education Amendments Act of 1972 provides that "[n]o 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."

June 23, 1972 - 1999

Title IX of the Civil Rights Act passed June 23, 1972. It protects people in education programs or activities that receive federal financial assistance from being discriminated against based on sex. It is focused on the enforcement of equitable quality and access for females in education and athletics. Over time, the law began to include a focus on sexual harassment. While Title IX, as the law was written, did not contain the term “sexual harassment,” federal courts (1979 - 1999) held that sexual harassment constitutes a form of sex discrimination.

May 6, 2020

The 2020 Title IX Rule focused on codifying the courts decisions of Title IX and define sexual harassment. On May 6, 2020, the U.S. Department of Education changed how schools are required to respond to a student's report of sexual assault and harassment. The Rule intended to secure due process rights for victims and accused.

April 19, 2024

On April 19, 2024 (effective August 1, 2024), the U.S. Department of Education updated Title IX- it provides greater strength to the goal of providing an education free from sex discrimination.

The Rule defines sex-based harassment as a form of sex discrimination and provides for educational experiences that do not discriminate based on sex stereotypes, sex characteristics, pregnancy or related conditions, lactation, sexual orientation, and gender identify.

- It protects female, male, and gender non-conforming students, faculty, and staff from sex-based harassment and/or violence.
- The regulation provides a process to support investigation and resolve sex discrimination complaints, strengthens some provisions of the 2020 Rule, and provides appropriate discretion and flexibility for school size, student populations, and administrative structures.

What is Title IX?

- In short, Title IX prohibits sex discrimination in a school's educational program or activity against any person in the United States.
  - Includes any location/events/circumstance where the school had substantial control over the context & the alleged perpetrator
- It is equally appropriate to STUDENTS and EMPLOYEES.
- Failure to meet Title IX requirements can cause civil liability and loss of federal funding.

Protections Under Title IX?

- Protects people from discrimination based on sex in education programs or activities that receive federal financial assistance.
- Provides full protection from sex-based harassment.
- Require schools to take prompt and effective action to end any sex discrimination in their education programs or activities and to prevent its recurrence and remedy its effects.
- Enforced by the Office of Civil Rights (“OCR”).

Sex Discrimination

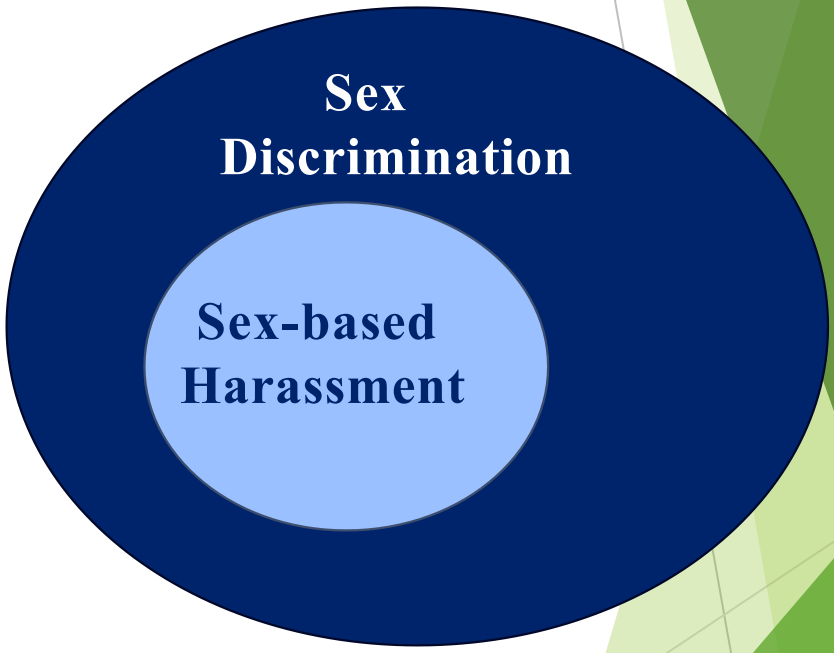
- Discrimination on the basis of sex includes:
  - Sex Stereotypes
  - Sex Characteristics
  - Pregnancy or Related Conditions
  - Sexual Orientation
  - Gender Identity
- "More than *de minimis* harm"
- Sex-Based Harassment

De Minimis Harm

- In limited circumstances where Title IX permits different treatment or separation based on sex, a school/district **must not** implement differential treatment by means that subjects a person to **more than *de minimis* harm.**
- Adopting a policy or practice preventing someone from participating in a program/activity **consistent with their gender identity** violates the *de minimis* harm provision.

Sex-Based Harassment

- Subset of sex discrimination
- Includes (the "Big Six" offenses):
  - Quid Pro Quo (QPQ)
  - Hostile Environment Harassment
  - Sexual Assault
  - Dating Violence
  - Domestic Violence
  - Stalking



Sex-based Harassment…Definitional Changes

1. Hostile Environment Harassment

Unwelcome sex-based conduct that is subjectively and/or objectively offensive and/or is so severe or pervasive (based on totality of circumstances).

2. Quid Pro Quo Harassment

Explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.

3. Sexual Assault

An offense classified as a forcible or nonforcible sex offense under the Federal Bureau of Investigation's Uniform Crime Reporting system

Sex-based Harassment…Definitional Changes

4. Dating Violence

Violence committed by a Respondent: Who is or has been in a social relationship of a romantic or intimate nature with the Complainant

5. Domestic Violence

Is a current or former spouse or intimate partner of the Complainant under the family or domestic violence laws of the jurisdiction of the school/district, or a person similarly situated to a spouse of the Complainant

6. Stalking

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

Title IX- Related Issues

Sex Discrimination

- Program Equity
- Recruitment, Admissions and Access
- Pregnancy
- Athletics
- Employment, Recruitment & Hiring
- Extra-curricular activities
- Housing
- Access to Course Offerings
- Salaries and Benefits
- Financial Assistance
- Facilities
- Funding
- Sex, Gender, Gender Identity

Sex-based Harassment

- Quid Pro Quo
- Hostile Environment
- Sexual Assault
- Domestic Violence
- Dating Violence
- Stalking

- RETALIATION

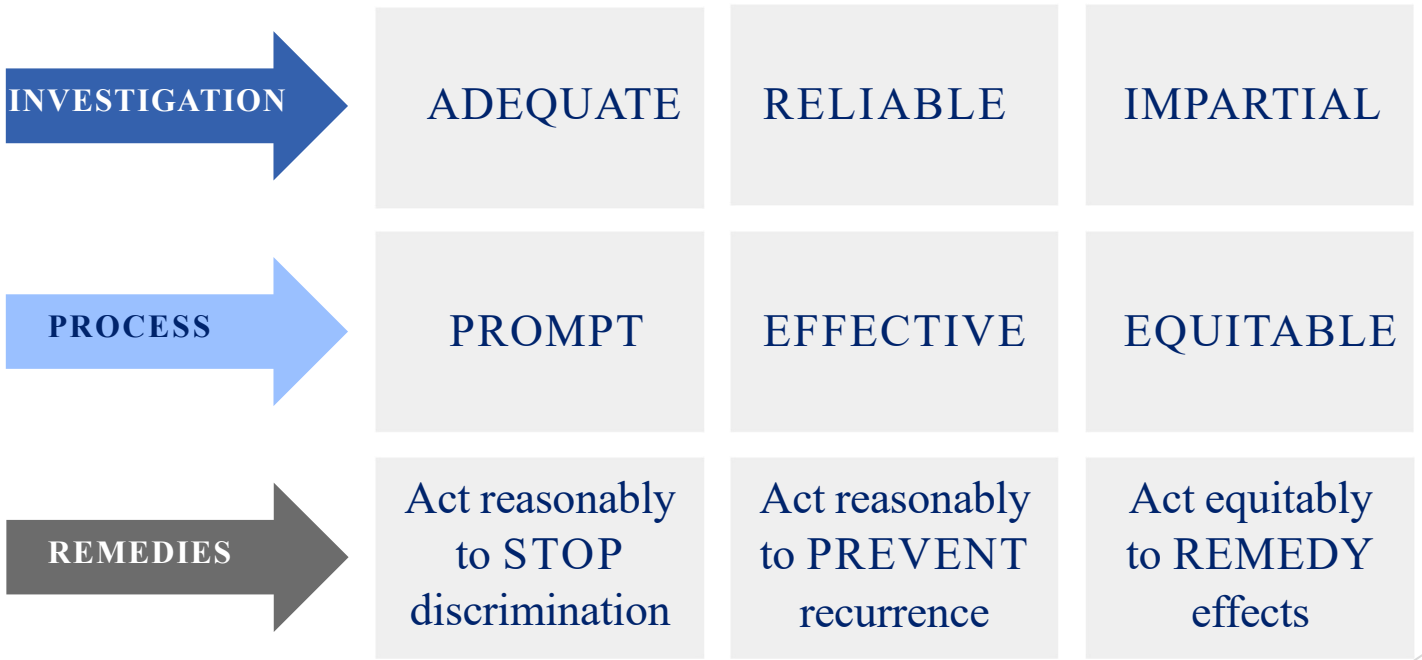
When do we have Jurisdiction?

- Education Program or Activity over which the school district exhibits substantial control over both the alleged harasser and the context in which the harassment occurred, which may include alleged electronic sexual harassment that uses district-provided networks, technology, or equipment.

School/District Obligations Under Title IX

Sex-Based Harassment

Title IX Commandments



Your Duty Under Title IX

- **All K-12 employees are MANDATORY reporters of any potential incident of Sex Discrimination or Sex-Based harassment under Title IX.**
- **Your duty is to listen and REPORT – any time you hear about conduct that potentially violates Title IX; you should report it to the Title IX Coordinator.**
- **IMPORTANT THINGS TO CONSIDER:**
- **• Trust of students is important, so explain that you may have to report what they tell you to the coordinator**
- **• Students maintain their right to privacy, but no "gag orders" can be put in place**
- **• Title IX applies to employee-employee and student-employee incidents equally**
- **• Any concerns should be directed to your administrator/supervisor and the Title IX Coordinator**
- **• Training & reporting are of vital importance!**

District Student Title IX Coordinator

Dr. Patrice Graham

District Title IX Coordinator (Students)/Coordinator of Special Projects

Office of Student Support Services

RCPS Cell: 404-210-1034

Email: studenttitleixcoordinator@rockdale.k12.ga.us or pgraham@rockdale.k12.ga.us

Employee Title IX Coordinator

Mrs. Michele Stephens

Employee Title IX Coordinator/Director Human Resource

Email: mstephens@rockdale.k12.ga.us

Title IX Sports Equity Coordinator

Dr. Kechia Seabrooks Rowles

Director of Athletics/Athletic Trainer

Phone: 404-925-2141

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QUESTIONS