

TITLE IX COMPLIANCE-- TITLE IX COORDINATOR

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AGENDA

1. Coordinator Responsibilities

2. Jurisdiction

3. Pregnancy/Related Conditions

4. Record Keeping

TITLE IX COORDINATOR RESPONSIBILITIES (§106.44)

- The Title IX Coordinator ensures the LEA's compliance with Title IX.
- They must act promptly and effectively to address and prevent sex discrimination.
 - “Promptly and effectively” is not defined.
 - Must be considered within the context of the circumstance
- Actions a Title IX Coordinator may take to ensure prompt and effective response to sex discrimination in the school/LEA
 - Oversight and coordination of response to a Title IX complaint
 - Appropriate provision of supportive measures

COORDINATOR RESPONSIBILITIES UPON NOTICE (§106.44)

- Treat complainant and respondent equitably
- Offer and coordinate supportive measures to complainant
- Offer and coordinate supportive measure to respondent if grievance procedures initiated or informal resolution process offered to respondent
- Notify complainant of grievance procedures and informal resolution process
 - Notify respondent only if complaint is made*
- Initial grievance process



RECOMMENDED OUTREACH PROCESS FOR TITLE IX COORDINATOR

Initial Outreach to Complainants and Parents/Guardians

The Title IX Coordinator (or a designated representative) should always make initial contact with the complainant and, if the complainant is a student, their parents or guardians, if appropriate .

What the Outreach Should Include:

- Introduction: Introduce the Title IX process and key staff members involved.
- Purpose of the Outreach: Clarify the reason for reaching out—gather preliminary information without conducting an official interview.
- Communication Options: Offer to meet in person or have a phone conversation
- Resolution Options: Go over the different resolution paths available to the complainant.
- Supportive Measures: Discuss any available supportive measures and resources that can be provided.
- Law Enforcement: Explain the options for reporting the incident to law enforcement, if appropriate.
- Follow-Up: It's advisable (though not mandatory) to follow up in writing, providing resources and further information.

DOES THE COMPLAINT FALL WITHIN TITLE IX?

1. Could the conduct complained of reasonably constitute sex discrimination under Title IX?

2. If so, then ask:

- Did it occur in education program or activity? or
- Is it subject to the LEA's disciplinary authority? or
- Did it contribute to a hostile environment within the education program/activity?

If “yes” to any of the above, then the LEA likely has a duty to respond under Title IX

TITLE IX JURISDICTION?

If the Coordinator determines that the alleged conduct falls within or likely falls within Title IX, then Coordinator must move it through the Title IX Process to the extent appropriate in the given scenario.

If the Coordinator determines that the alleged conduct does not fall within Title IX, then the Coordinator must determine whether an alternate policy or process applies.

1. Dismiss the complaint under Title IX
2. Document the rationale
3. Refer to other process



TITLE IX COORDINATOR RESPONSIBILITIES (§106.44)

Determining Whether to Initiate a Complaint

In the absence of initiation of a complaint by a party, the Title IX Coordinator must decide if a complaint should be initiated by the Coordinator.

Consider factors such as:

- Complainant's request and safety concerns
- Risk of further sex discrimination
- The severity of the alleged sex discrimination,
- The age and relationship of the parties
- The scope of the alleged sex discrimination
- Availability of evidence
- Whether the LEA could end the alleged sex discrimination and prevent its recurrence without initiating grievance procedures

UPON COORDINATOR-INITIATED COMPLAINT, COORDINATOR MUST:



NOTIFY COMPLAINANT
PRIOR TO INITIATING
COMPLAINT



ADDRESS REASONABLE
CONCERNS ABOUT
SAFETY



PROVIDE SUPPORTIVE
MEASURES

TITLE IX COORDINATOR RESPONSIBILITIES

Ongoing Responsibility to Prevent Recurrence

Regardless of complaint initiation, the Coordinator must take steps to prevent recurrence of sex discrimination within the educational program.

Pregnancy or Related Conditions

Considerations, Proactive Measures, and
the Title IX Coordinator Responsibilities

PREGNANCY OR RELATED CONDITIONS – TITLE IX COORDINATOR RESPONSIBILITIES (§106.40(b)(3))

The Title IX Coordinator is responsible for coordinating and overseeing the required actions, once notified of a student's pregnancy or related condition, including:

- **Communicate Available Supports:** Make sure to inform about the supports available for pregnancy and related conditions, including the process for requesting them.
- **Coordinate and Document Modifications:** Arrange, coordinate, and keep records of any reasonable adjustments made to accommodate pregnancy and related conditions.
- **Access to Separate Programs:** Offer access to separate and comparable programs, though participation should be optional, not mandatory.

PREGNANCY OR RELATED CONDITIONS – TITLE IX COORDINATOR RESPONSIBILITIES- (§106.40(b)(3))

Title IX Coordinator Responsibilities, cont'd:

- **Voluntary Leave of Absence:** Permit voluntary leaves of absence for pregnancy-related reasons.
- **Lactation Provisions:** Ensure that time and space for lactation are provided as required for both students and employees.
- **Sex Discrimination Resolution Process:** Make sure there is a clear resolution process in place for addressing sex discrimination complaints.
- **Comparable Treatment for Temporary Medical Conditions:** Ensure that pregnancy-related conditions are treated comparably to other temporary medical conditions.

PREGNANCY OR RELATED CONDITIONS – REASONABLE ACCOMMODATIONS (§106.40(b)(3))

Tailored to Individual Needs

- Collaborate with the student and parent/guardian
- Student (or parent/guardian) can choose to accept or decline modifications
- Employee Exclusion
- Reasonable modifications do not extend to employees

Examples of Modifications:

- Breaks during class for breastfeeding/pumping, eating, or drinking
- Intermittent absences for medical appointments
- Adjustments to class schedule
- Access to online classes
- Extensions for assignments or rescheduling tests

PREGNANCY OR RELATED CONDITIONS – SUPPORTING DOCUMENTATION (§106.40(b)(3))

Medical documentation is generally not needed to determine reasonable modifications for students.

Relying on the student's own description of their needs is usually the easiest approach and helps the school/district address those needs quickly.

Medical documentation should only be requested in rare situations, specifically when:

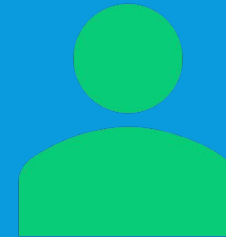
- It's essential and reasonable to determine what modifications to offer

- It's necessary to decide on other specific actions to take

PREGNANCY OR
RELATED
CONDITIONS –
SUPPORTING
DOCUMENTATION,
cont'd.
(§106.40(b)(3))

- You cannot require a medical provider's certification or similar documentation to allow a student to participate in a class or activity unless:
- It's a requirement for all students in that class or activity, or
- A certain level of physical ability or health is genuinely necessary, or
- The information is not used in a discriminatory manner.
- Generally, documentation should not be requested unless it's essential for determining reasonable modifications

RECORD KEEPING AND THE TITLE IX COORDINATOR RESPONSIBILITIES





LEA must maintain for a period of at least seven years:



(1) Records documenting the informal resolution process or the grievance procedures and the resulting outcome for each complaint of sex discrimination:



(2) Records documenting the actions the recipient took to meet its obligations under §106.44 for each notification the Title IX Coordinator receives of conduct that reasonably may constitute sex discrimination under Title IX



(3) All materials used to provide required training, which are to be made available upon request for inspection by members of the public.

RECORD KEEPING

BARRIERS TO REPORTING

The Title IX Coordinator must monitor the education programs and activities for barriers to reporting information about conduct that may reasonably constitute sex discrimination.

The coordinator must also take steps reasonably calculated to address such barriers.



Potential Barriers to Consider



Accessibility to forms, e.g. confusing, not in native language, complicated reporting system



Poorly managed grievance process, e.g. undue delays, bias, and resultant lack of confidence in the process



Chilled speech, misunderstanding of what could be a Title IX complaint

MONITOR AND REMOVE BARRIERS



Potential Steps to Remove Barriers



Ensure Title IX form and explanation of process is understandable, in native languages, easily found online



Conduct targeted staff trainings, to address aspects of process not implemented appropriately



Make sure employees know what is and is not sex discrimination, monitor supportive measures offered

MONITOR AND REMOVE BARRIERS

NOTIFICATION AND INFORMATION REQUIREMENT S

Notice of Grievance Procedures

LEA must **adopt, publish and implement** a [grievance procedure](#) policy stating that

1. The procedures are consistent with the Title IX regulations
2. The LEA provides for prompt and equitable resolution of complaints

[The Title IX Coordinator is responsible for ensuring this occurs.](#)

NOTIFICATION AND INFORMATION REQUIREMENTS

Policy and Procedures

Each LEA **adopt, publish and implement** a non-discrimination policy stating that the LEA does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates.

Every district must provide notice of nondiscrimination to students, parents/guardians, and employees, which contains information about their rights, the nondiscrimination policy, and the Title IX complaint procedure

The notice of nondiscrimination must be easily accessible on the district website and in each handbook, annual notification, application, and other material made available to persons entitled to notice.

The Title IX Coordinator is responsible for ensuring this occurs.

REVISED BOARD POLICIES AND ADMINISTRATIVE REGULATIONS

The following BPs and ARs will need to be revised, to reflect the requirements imposed by the 2024 Title IX Regulations:

Students

- 5145.3- Nondiscrimination
- 5145.7 – Sex discrimination and Sex-Based Harassment
- 5145.71 – Title IX Discrimination and Sex-Based Harassment Complaint Procedures

Personnel

- 4119.11 - Sex Discrimination and Sex-Based Harassment
- 4119.12 – Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
- 4030- Nondiscrimination In Employment
- 4033 – Lactation Accommodation

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QUESTIONS?