

IDAHO K-12 TITLE IX PROFESSIONAL LEARNING COMMUNITY #3

Annie Hightower, Hightower Consulting, LLC

October 2024

Annie Hightower: Hightowerconsultingllc@gmail.com

MEETINGS THROUGH JUNE

▶ 9 am MT/8 am PT – 60 mins

▶ Nov 12

▶ Dec 10

▶ Jan 14

▶ Feb 11

▶ March 11

▶ April 8

▶ May 13

▶ June 10

UPDATES

- ▶ ICS training through state
- ▶ Other Training Opportunities
- ▶ Complaints re Athletics

CASE SCENARIOS

WHAT'S COME UP FOR YOU?

SCENARIO

- ▶ 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

Students - Emergency removal can only be done for sexual harassment on an emergency basis that:

1. Uses an individualized safety and risk analysis,
2. Determines an immediate threat from the allegations of sexual harassment that justify removal, and
3. Provides an opportunity of notice and to challenge the decision immediately

Cannot otherwise remove without engaging in compliant grievance process!

Staff – A non-student employee respondent can be placed on administrative leave pending a compliant grievance process.

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

- ▶ 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?

hightowerconsultingllc@gmail.com