





Title IX

All Employees Training





Training Objectives

Help you...	
Become	Familiar with the federal regulations and School Board Policy governing sexual misconduct and sexual harassment
Understand	What actions constitute sexual misconduct and sexual harassment
Recognize	Your obligations under Title IX and School Board Policy.





What is Title IX?

Federal Law

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

“No 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.”





Title IX - District Policy



Policy 5.81

Protecting Students from Sexual Harassment
and Gender-Based Discrimination

<https://go.boarddocs.com/fl/palmbeach/Board.nsf/goto?open&id=C772FT627C44>





Title IX - Definitions

- Complainant
- Deliberate Indifference
- Education Program or Activity
- Emergency Removal
- Respondent
- Supportive Measures





Definition: Complainant

Complainant - an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

- A complainant may be a student, applicant, employee, or anyone attempting to access an education program or activity.





Definition: Deliberate Indifference

- Deliberate indifference occurs when the District's response to sexual harassment is clearly unreasonable in light of the known circumstances.





Definition: Education Program or Activity

- “Education program or activity” is broadly defined to include locations, events, or circumstances over which the school exercises substantial control.





Definition: Emergency Removal

A District may remove a student Respondent from the education program or activity on an emergency basis, only after:

- Undertaking an individualized safety and risk analysis
- Determining if an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal
- Providing the Respondent with notice and an opportunity to challenge the decision immediately following the removal while respecting all rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act, as applicable.
- School administrators should consult with Safe Schools before removing a student.





Definition: Respondents

Respondent - an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.





Definition: Supportive Measures

- Non-disciplinary, non-punitive, individualized services, offered as appropriate and without charge to a complainant or a respondent before or after the filing of a formal complaint, or when no complaint has been filed.
 - A supportive measure that completely removes a respondent from an activity would likely be considered punitive
- Designed to restore or preserve equal access to the education program or activity without “unreasonably” burdening the other party
- Include measures designed to protect the safety of all parties, the educational environment or deter sexual harassment
- The District must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures
- The Title IX Lead Contact is responsible for coordinating the effective implementation of supportive measures

Examples: counseling, schedule changes, increased monitoring, Stay Away Agreement, Safety Plan, etc





Title IX?

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Sexual Harassment

Sexual harassment is conduct on the basis of sex that satisfies one or more of the following:

- A school employee conditioning education benefits on participation in unwelcome sexual conduct (i.e. quid pro quo); or
- Hostile environment harassment occurs when unwelcome conduct that a reasonable person would determine is so Severe, Pervasive and Objectively Offensive that it effectively denies a person equal access to the school's education program or activity; or
- Sexual assault, dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA)





Title IX: Prohibited Sexual Harassment

Types of conduct which are prohibited in the District and which may constitute sexual harassment include, but are not limited to:

- Graphic verbal comments about an individual's body or appearance
- Sexual jokes, notes, stories, drawings, pictures or gestures
- Sexual slurs, sexually-suggestive leering, threats, abusive words, derogatory comments, or sexually-degrading descriptions
- Unwelcome sexual flirtations or propositions for sexual activity or unwelcome demands for sexual favors, including but not limited to repeated unwelcome requests for dates
- Spreading sexual rumors
- Touching an individual's body or clothes (including one's own) in a sexual way, including but not limited to, grabbing, brushing against, patting, bumping, rubbing, kissing, and fondling.
- Cornering or blocking normal movements
- Displaying sexually suggestive drawings, pictures, written materials, and objects in the educational environment
- Any act of retaliation against an individual who reports a violation of the SDPBC sexual harassment Policy or participates in the investigation of a sexual harassment complaint.





Hostile Environment Harassment

- Unwelcome Conduct: The conduct must be unwelcome, meaning the individual did not solicit or invite it.
- Based on Sex: The harassment must be related to the individual's sex.
- Severe, Pervasive, and Objectively Offensive: The conduct must be severe, pervasive, and objectively offensive, meaning it is not just a minor annoyance or isolated incident, but rather creates a hostile or intimidating environment.
- Denies Equal Access: The harassment must effectively deny the individual equal access to an educational program or activity.
- Reasonable Person Standard: A reasonable person in the complainant's position would find the conduct offensive and perceive it as hostile.

Factors for evaluating whether a hostile environment exists:

- Complainant's ability to access the education program or activity
- Type, frequency, and duration of the conduct
- Parties' ages, roles, and previous interactions
- Location and context of the conduct
- School/District's control over the Respondent
- These are factors, not requirements
 - There could also be other factors to consider.





Title IX?

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Education program or activity

Schools must address allegations of sexual harassment that occur in “the schools education program or activity, against a person in the United States.”

- “Education program or activity” is broadly defined to include locations, events, or circumstances over which the school exercises substantial control.
- Examples include school field trips, school dances, school buses and sporting events.





Title IX Applies to....

Title IX applies to faculty, staff, students, and conduct on and off campus





Title IX - Key Points

- Any employee with **actual knowledge** of sexual harassment in an education program or activity of the District against a person in the United States, **must** respond promptly in a manner that is not deliberately indifferent.
- Students can report to **ANY** employee (custodian, bus driver, aftercare, food service worker, etc.)
- Supportive measures should be designed to restore or preserve equal access to the education program or activity without “unreasonably” burdening the other party. A supportive measure that completely removes a respondent from an activity would likely be considered punitive- unless an emergency removal is warranted.
- Emergency removal may be necessary in order to protect a student or other individual from an immediate **threat to physical health or safety**.
- Emergency Removal's are done after approval from Safe Schools





YOU HAVE A DUTY TO REPORT ALL ALLEGATIONS OF SEXUAL HARASSMENT

- Federal Title IX Regulations require schools to respond whenever any employee has notice of sexual harassment involving members of the District community, guests or visitors, including mere allegations of sexual harassment **without delay**.
- Pursuant to Florida law and School Board Policy 5.30, any person, including teachers, administrators, support staff, and other District personnel, who knows, or has reasonable cause to suspect that a child or student has been abused, abandoned or neglected, subjected to inappropriate intimate interactions by adults or has become the victim of a known or suspected juvenile sexual offender, **MUST** report such knowledge or suspicion to the Florida Department of Children and Families at:

1(800) 96-ABUSE

or

<https://reportabuse.dcf.state.fl.us/Child/ChildForm.aspx>

- For more information on mandatory reporting of child abuse and neglect, please refer to School Board Policy 5.30.





YOU HAVE A DUTY TO REPORT ALL ALLEGATIONS OF SEXUAL HARASSMENT

- While many reports of sexual harassment may come to employees by witnessing instances first-hand, the duty to report also extends to information received second-hand.
- The duty to report may even extend to rumors and gossip if the allegations are detailed enough to create notice to the District.
- If an incident of sexual harassment occurs and you are unsure of whether you need to report it, always seek the guidance of the District Title IX Coordinator and err on the side of reporting.





Notification to Students and Parents

- Each school must prominently display on their website and any handbook the contact information for the Title IX Lead Contact
- Each School must notify all parents/legal guardians of the name or title, office address, email address and telephone number of the Title IX Lead Contact





Knowledge Check





Case Study #1: Justine and Eric

A parent informs you that her son, Eric, is being sent nude photos by a female student, Justine, during science class.

The parent reports Justine sends these photos daily and they are graphic in nature. The parent also tells you that Eric is reluctant to go to class because Justine tries to get a visible reaction from Eric by sending him photos during class.

Should you report this conduct?





Case Study #1: Justine and Eric

Yes. This conduct may constitute behavior of sexual nature that is severe, pervasive and objectively offensive.





Case Study #2: Mario and Lauren

A month after a field trip to the local zoo, a 5th grade male student, Mario, reports to you that a female student, Lauren, was fondling him while they were in the back of an exhibit.

Lauren no longer attends your school and Mario will be moving onto Middle School in three days.

Should you report this incident?





Case Study #2: Mario and Lauren

Yes. This conduct took place in an education program or activity and may constitute behavior that is sexual harassment.





Title IX Personnel

District Wide Title IX Coordinator

- Mrs. Eunice Vivar, Students
- Department of Professional Standards (Employees)

Title IX Lead Contact (School-based)

- Responsible for responding promptly to actual knowledge of sexual harassment, conducting the investigation coordinating the effective implementation of supportive measures
- Investigates the report
- May utilize other school administrators to assist in investigation as needed (Assistant Principals, Deans, TOSAs, SSCCs)

Decision Maker

- Principal or Regional Office designee ONLY
- Should not participate in the investigation
- Determines the discipline outcome





Reporting Sexual Harassment is Everyone's Responsibility





Contact

Students:

Eunice Vivar

Manager, Department of Safe Schools

Title IX Coordinator

eunice.vivar@palmbeachschools.org

561-307-2426

Employees:

Office of Professional Standards

561-434-7490





Stay informed by checking the District's website,
palmbeachschools.org or by watching content on
The Education Network

Social Media



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