

# TITLE IX TRAINING

*Based on 2020 regulations*

**Created: 2026**



# TRAINING FOR

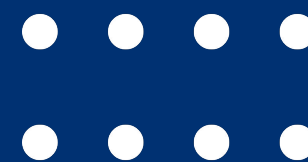
**Senior Leaders**

**Administrators**

**Principals**

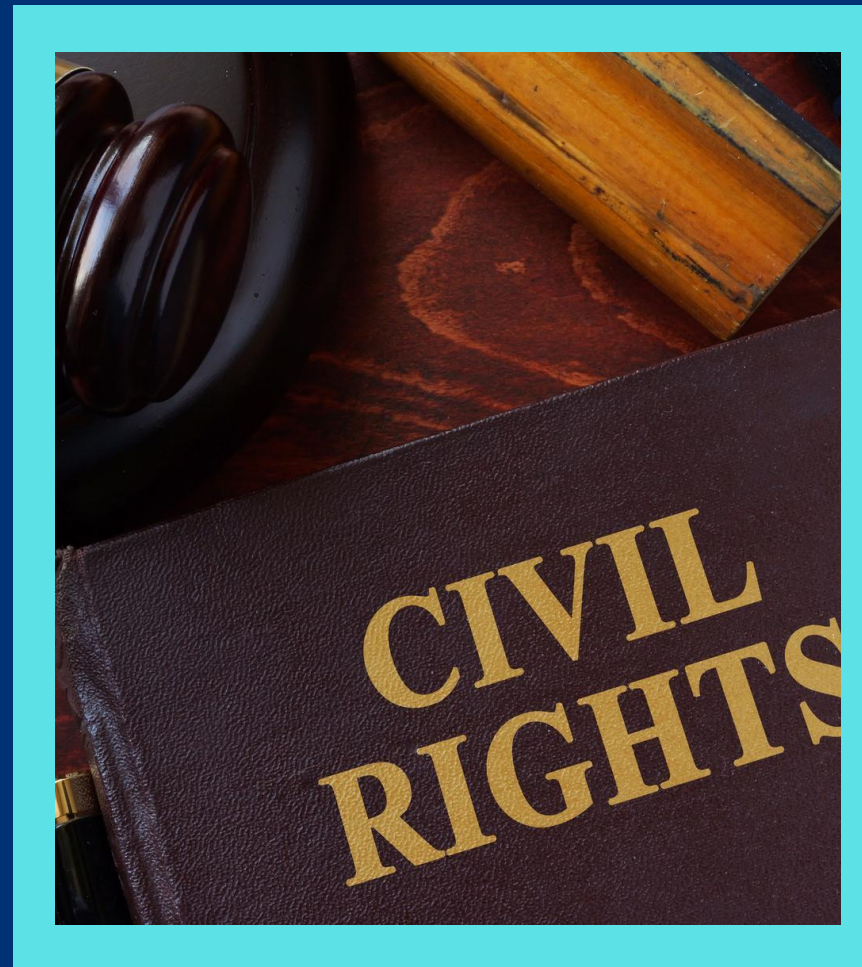
**Staff Members**

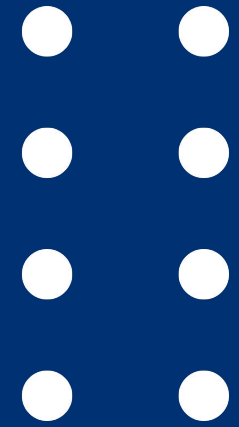
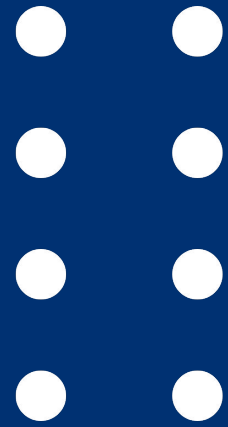
**All Employees**



# WHAT IS TITLE IX?

- Title IX is a Federal Civil Rights law that prohibits discrimination on the basis of sex (including pregnancy and parental status) in educational programs and activities. Title IX prohibits sex-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex even if those acts do not involve conduct of a sexual nature. The district prohibits discrimination and harassment on the basis of sex in all of its programs and activities by its employees, students or third parties.



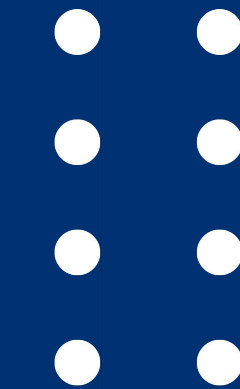


“NO PERSON IN THE UNITED STATES SHALL, ON THE BASIS  
OF SEX, BE EXCLUDED FROM PARTICIPATION IN, BE DENIED  
THE BENEFITS OF, OR BE SUBJECTED TO DISCRIMINATION  
UNDER ANY EDUCATIONAL PROGRAM OR ACTIVITY  
RECEIVING FEDERAL FINANCIAL ASSISTANCE.”

(20 U.S.C. 1681)

# RELEVANT LAW & BOARD POLICY

- 20 USC § 1681, et seq.
- 34 CFR Section 106, et seq.
- 42 U.S.C. 2000e – Prohibits discrimination in employment on the basis of race, color, national origin, religion, or sex.
- Title VI of the Civil Rights Act of 1964, as amended.





# DEFINITION OF SEXUAL HARASSMENT



Quid Pro Quo: Conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct.



Unwelcome Conduct: Conduct on the basis of sex that is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity.



Sexual Assault: 20 USC  
1092(f)(6)(A)(v)(Clery Act)  
Dating Violence: 34 USC 12291(a)(11)  
Domestic Violence: 34 USC 12291(a)(12)  
Stalking: 34 USC 12291(a)(36)



# SEXUAL ASSAULT

- **Sexual Assault:** Examples of sexual assault include rape, fondling without consent, incest, or statutory rape.
  - **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
  - **Criminal Sexual Contact:** The intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. The forced touching by the victim of the actor's clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This offense includes instances where the victim is incapable of giving consent because of age or capacity due to temporary or permanent mental or physical impairment or intoxication for the purpose of sexual degradation, sexual gratification, or sexual humiliation.
  - **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

# DATING VIOLENCE

- **Dating Violence:** The term “dating violence” means violence committed by a person:
  - who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  - where the existence of such a relationship shall be determined based on a consideration of the following factors:
    - (i) The length of the relationship.
    - (ii) The type of relationship.
    - (iii) The frequency of interaction between the persons



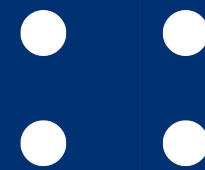
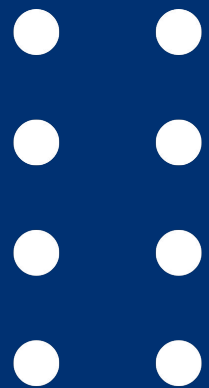
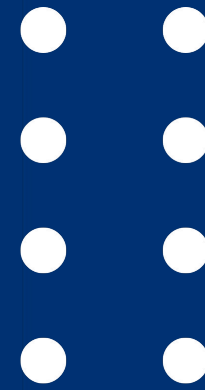


# DOMESTIC VIOLENCE

- **Domestic Violence:** The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

# STALKING

- **Stalking:** The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
  - fear for his or her safety or the safety of others; or
  - suffer substantial emotional distress.



**Use of email, internet, or other technologies may constitute “sexual harassment” on a similar basis to use of in-person, postal mail, handwritten, or other communications.**



# SCOPE OF TITLE IX

Title IX protects students and staff from sexual harassment in or at all school related or sponsored programs or activities and programs on or off campus. This protection extends to field trips, extracurricular events, and school district transportation.



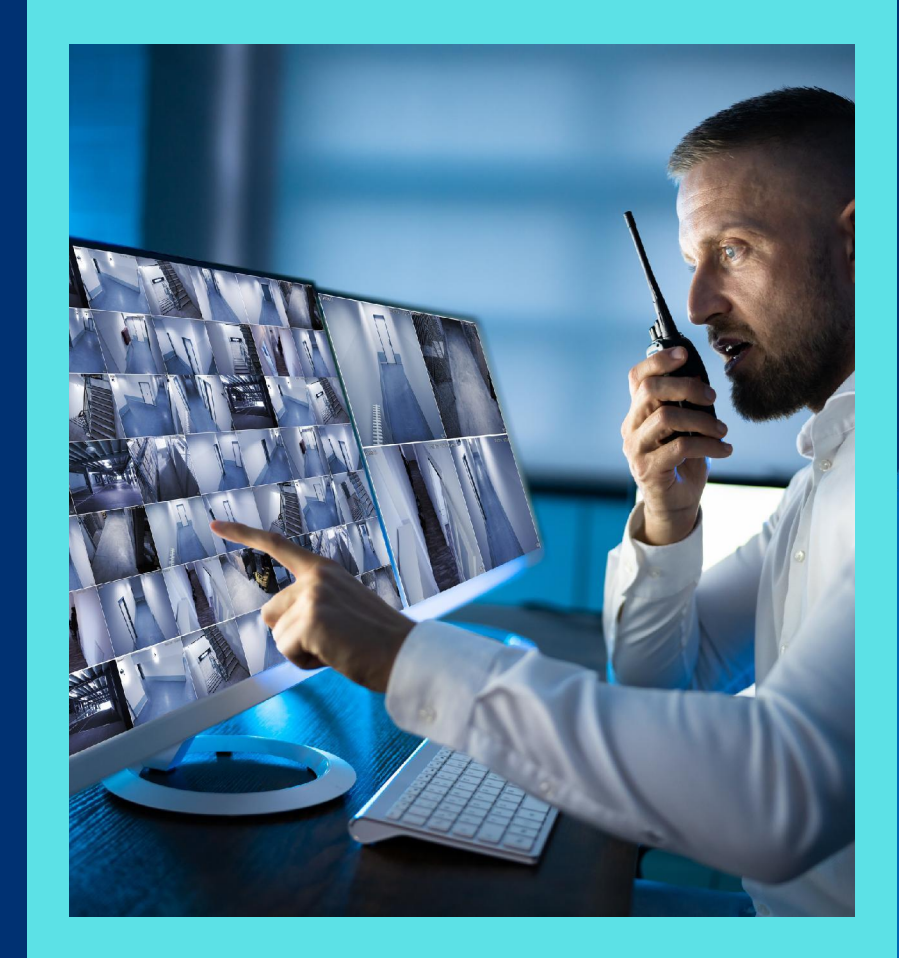
# **TITLE IX PROCESS**

**LEXINGTON COUNTY SCHOOL District One**



# ACTUAL KNOWLEDGE

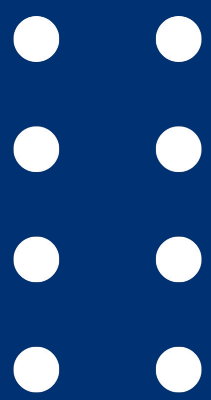
- We are required to respond to sexual harassment when there is “actual knowledge.”
- The 2020 regulations define actual knowledge to mean notice of sexual harassment or allegations of sexual harassment to the Title IX Coordinator or any employee.





# TITLE IX

## ROLES



### Title IX Coordinator

- Staff member assigned to oversee Title IX compliance.

### Complainant

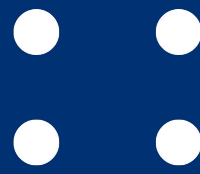
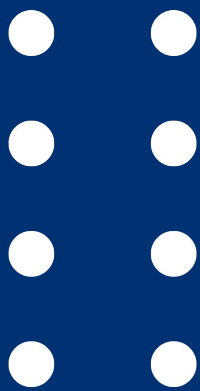
- Person filing the complaint, alleged victim.
- A parent or legal guardian who has the legal authority to act on behalf of his or her child may act as the complainant.

### Respondent

- An individual who is reported to be the perpetrator of conduct.
- A parent or legal guardian who has the legal authority to act on behalf of his or her child may act on behalf of the party.

### Investigator

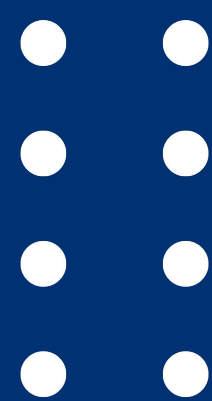
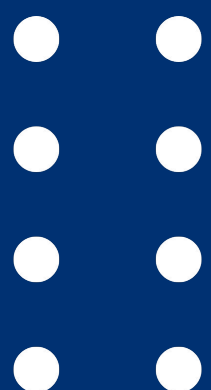
- Identify and interview parties and witnesses.
- Gather and assess evidence.
- Must not have a conflict of interest or bias for or against Complainants or Respondents. Must not prejudge any matter before them.
- Can be the Title IX Coordinator.
- Cannot be decision-maker.





# TITLE IX

## ROLES



### Decision-maker

- Staff member assigned to review the investigative report and determine outcome.
- Cannot be Title IX Coordinator or Investigator.
- Make independent judgment on responsibility and sanctions.

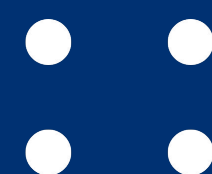
### Appeals Officer

- Staff member assigned to hear appeal of decision-maker's decision.
- Cannot be Title IX Coordinator.
- Likely, the appropriate level leader. The executive director of elementary, middle, or high schools.

### Informal Resolution Facilitator

- Staff member assigned to mediate voluntary resolution of complaint.

**\*\*\*For employees, the Title IX process will also involve Human Resources Director Brian Morris or Human Resources Executive Director Kimberly Freeman.**



# Reporting

- Any person can report sexual harassment.
  - Reports can be made in person, by mail, by telephone, or by email.
  - Reports can be made at any time.
  - Reports of prohibited conduct should be made as soon as possible after the alleged act or knowledge of the alleged act.
  - All reports will need to be reported to the Title IX Coordinator within two days.
  - An employee with knowledge of sexual harassment who fails to timely report may be subject to disciplinary action.
- Supportive measures to the complainant whether or not a complaint is filed and notice to the complainant (and minor complainant's parent/guardian) of the process and right to file a complaint.
- Only if the complainant (or a minor complainant's parent/guardian) files or the Title IX Coordinator signs a formal complaint (must be in writing) does the grievance process begin.

# Meet with Complainant

**The Title IX Coordinator will reach out to the Complainant:**

- **Discuss the availability of supportive measures**
- **Explain that retaliation will not be tolerated and how to proceed if they feel it occurs.**
- **Provide written notice of the allegations.**
- **Give anticipated timeline and explain the process.**



# SUPPORTIVE MEASURES

UPON LEARNING OF AN INSTANCE OF ALLEGED SEXUAL HARASSMENT OR RETAILIATION, EVEN IF NO FORMAL COMPLAINT IS FILED, THE TITLE IX COORDINATOR MUST PROMPTLY CONTACT THE COMPLAINANT TO DISCUSS THE AVAILABILITY OF SUPPORTIVE MEASURES, WHICH MAY INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING:



Meeting

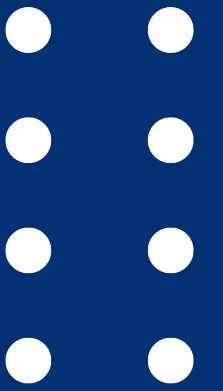
- Counseling
- Modifying work schedules or locations
- Schedule changes or class modifications for students
- Placing mutual restrictions on contact between the parties

- Increased monitoring or supervision
- No contact
- Emergency removal (Student)
- Administrative leave (Employee)

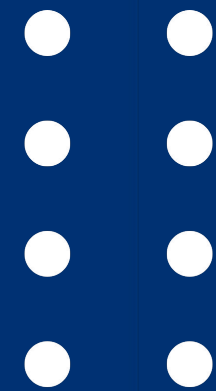
**Confidentiality of supportive measures must be maintained to the extent that maintaining confidentiality would not impair the ability of the district to provide the supportive measures. Supportive measures are not intended to be disciplinary or punitive.**



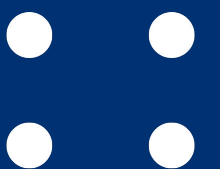
# FORMAL COMPLAINT



**All formal complaints must be in writing and include the following information, to the extent available:**



- Identity of the individual believed to have engaged in the harassing conduct (respondent)
- Nature of the alleged conduct
- Date and location of the alleged violation
- List of potential witnesses
- Resolution sought by complainant
- Signature of complainant



# NOTICE OF ALLEGATIONS

**Upon receipt of a formal complaint, the Title IX Coordinator must provide written notice to all known parties in sufficient time to give the respondent time to prepare a response before an initial interview.**

Written notice must include:

- Notice of grievance process, include any informal resolution process
- Facts sufficient to allow each party to prepare and respond appropriately
- Name of the complainant
- Prohibition against retaliation
- Right of parties to have an advisor
- Right of party to review and inspect evidence
- Statement of presumption of innocence



# INFORMAL RESOLUTION

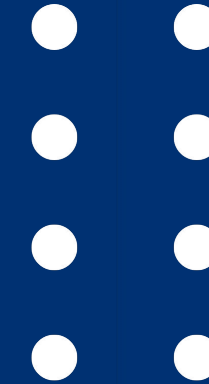
- Can only be used when formal complaint has been filed
- Cannot be used in cases of employee-on-student harassment
- Can only be used if each party has given informed, written consent (cannot ever be required, indirectly or directly)
- Not recommended for the informal resolution facilitator to have been involved in the investigation



# CONDUCTING THE INVESTIGATION

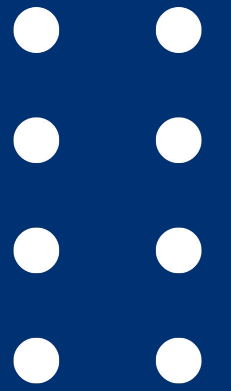
## **When investigating a complaint, the investigator will:**

- Ensure that the burden of proof and of gathering evidence rests on the district rather than the parties.
- Provide an equal opportunity for all parties to present witnesses and evidence
- Not restrict either party's ability to discuss the allegations
- Parties must have the same opportunity to select an advisor of the party's choice who may be, but need not be, an attorney.
- Schools must send written notice of any investigative interviews, meetings, or hearings.
- Schools must send the parties, and their advisors, evidence directly related to allegations, in electronic format or hard copy, with at least 10 days for the parties to inspect, review, and respond to the evidence.

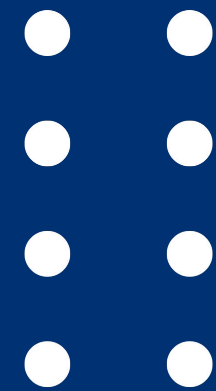




# DISMISSAL



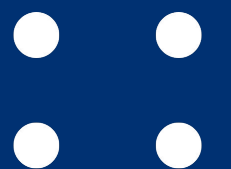
## **Mandatory if conduct alleged:**



- Would not constitute Title IX sexual harassment;
- Did not occur in the school's program or activity; or
- Did not occur in the United States

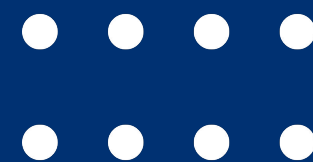
## **Permissive if:**

- Complainant requests in writing to withdraw;
- Respondent's enrollment or employment ends; or
- Specific circumstances prevent school from gathering evidence sufficient to reach a



# CONCLUSION OF INVESTIGATION

- Written investigative report shall be sent to both parties
- Parties shall be given 10 days to respond to investigative report
- If any responses are received, the investigative report will be updated and submitted to the decision-maker for final decision



# DECISION-MAKING

- The decision-maker, who cannot be the investigator or the Title IX Coordinator, will apply the district's preponderance of the evidence standard and issue a written determination of responsibility that:
- - Identifies the allegations that potentially constitute sexual harassment
  - Describes the district's procedural steps taken from the receipt of the complaint through the determination
  - Includes findings of fact supporting the determination
  - Includes conclusions regarding the application of the district's Code of Conduct or other policies to the facts
  - Includes a statement of, and a rationale for, the result as to each allegation, including a determination of responsibility, and disciplinary sanctions, and whether remedies to restore or preserve equal access to the district's education program or activity will be provided to the complainant
  - Possible disciplinary outcomes and remedies that may be implemented following a determination
  - Includes procedures and permissible bases for the complainant and respondent to appeal
  - Explains to the other party proposing the questions any decision to exclude a question as not relevant

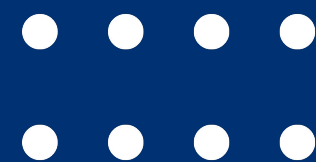
# APPEALS PROCESS

**WITHIN TEN (10) DAYS FROM THE DATE OF THE DETERMINATION, EITHER PARTY MAY APPEAL A DETERMINATION OF RESPONSIBILITY, OR THE DISTRICT'S DISMISSAL OF A FORMAL COMPLAINT OR ANY ALLEGATIONS THEREIN, FOR THE FOLLOWING REASONS:**

- **a procedural irregularity that affected the outcome**
- **new evidence that was not reasonably available at the time of determination or dismissal that could affect the outcome**
- **conflict of interest or bias on the part of the Title IX coordinator, investigator, or decision-maker that affected the outcome**



**CONFLICT  
OF  
INTEREST**

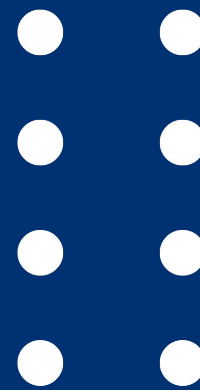


# APPEALS PROCESS

Following receipt of an appeal, the district will provide written notice to both parties of the appeal and allow each an equal opportunity to submit a written statement in support of, or challenging, the determination or dismissal.

The parties have five (5) days to provide their written response.

The appeal must result in a written decision that must be provided to both parties simultaneously. The decision-maker for the appeal cannot be the same person as the original decision-maker .



# RECORDKEEPING

**The district will maintain records related to this policy for seven (7) years.**

- (i) each investigation and determination;**
- (ii) any disciplinary sanctions imposed on respondent;**
- (iii) any remedies provided to the complainant;**
- (iv) any appeal and the result thereof;**
- (v) any informal resolution and result;**
- (vi) any materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.**



# CONTACT



**Brittney Pecori**



**Legal & Title IX Compliance Specialist**



**803-821-1238**



**[bpecori@lexington1.net](mailto:bpecori@lexington1.net)**

