



Title IX

Summary of DCSD Compliance Expectations

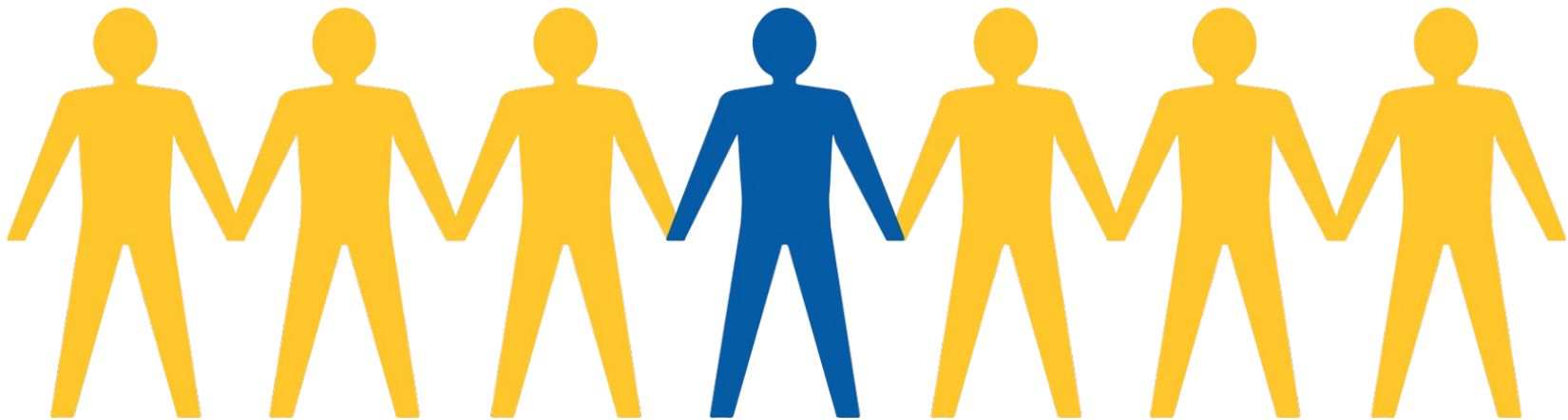
Presented by:
Office of Legal Affairs



DeKalb County
School District

Title IX Team (Student Respondents)

Title IX Coordinator



**Responsible
Employees/
Officials
w/Authority**
All DCSD
Employees

**Advisors
Selected by
the Parties**

Investigator(s)
Local School
Investigator

**Carol
Patrick/Local
School
Coordinator**

**Decision-
Maker(s)**
Local School
Decision
Maker

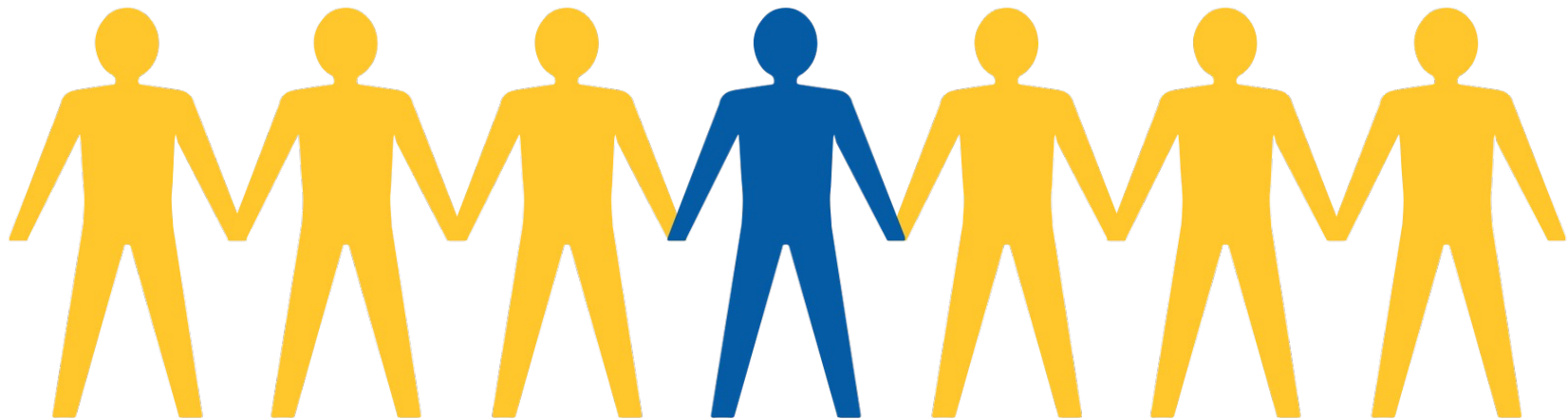
**Appellate
Decision-
Maker(s)**
Area
Superintendent
or Designee

**Informal
Resolution
Facilitator(s)**
Culture &
Climate
Coordinator

Title IX Team

(Employee Respondents):

Title IX Coordinator



**Responsible
Employees/
Officials
w/Authority**
**All DCSD
Employees**

**Advisors
Selected by
the Parties**

Investigator(s)
Employee
Relations/
Local School or
Department
Investigator

**Carol
Patrick/Local
School
Coordinator**

**Decision-
Maker(s)**
**Senior
Manager
Employee
Relations**

**Appellate
Decision-
Maker(s)**
**Chief Human
Resources
Officer**

**Informal
Resolution
Facilitator(s)**
**Deputy Chief
Human
Resources
Officer**

Title IX applies to:

- Student on Student
- Employee on Employee
- Student on Employee
- Employee on Student

Complainant: Person who has allegedly been sexually harassed

Respondent: Person who has allegedly committed sexual harassment

EMPLOYEES

Investigator: Employee Relations and/or Department/School Designee

Informal Resolution (IR) Facilitator: Deputy Chief Human Resources Officer

Decision Maker: Senior Manager Employee Relations

Appellate Decision Maker: Chief Human Resources Officer

STUDENTS

Investigator: Assistant Principal or Designee

Informal Resolution (IR) Facilitator: Culture and Climate Coordinators

Decision Maker: Principal or Designee

Title IX Sex-Based Discrimination & Harassment Categories

A form of sex discrimination. Sexual harassment and other harassment **on the basis of sex** that is:

BUCKET 1

Quid Pro Quo Harassment: An employee of the district conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct.

BUCKET 2

Hostile Environment Harassment: Unwelcome sex-based conduct determined by a reasonable person to be so severe, pervasive AND objectively offensive that it effectively denies a person equal access to the recipient's education program or activity.

BUCKET 3

Specific Offenses:

- Sexual Assault
- Dating Violence
- Domestic Violence
- Stalking

Hostile Environment Harassment:

1. Unwelcome
2. Sex-based conduct that
3. Objectively offensive - Offensive to a reasonable person under the same circumstances
4. Severe (nonverbal, verbal, touching) AND pervasive (how often, how widespread)
5. Denies equal access

Consider:

- Degree to which conduct affected access
- Type, frequency, and duration of conduct
- Ages, roles, previous interactions, other factors about each party
- Location of the conduct and context in which it occurred
- Other sex-based harassment

Specific Offenses:

- Sexual Assault
 - Rape
 - Fondling
 - Statutory Rape
 - Incest
- Dating Violence/Domestic Violence
- Stalking

The District has jurisdiction for implementation of the Title IX process in the following areas:

- Locations, events, or circumstances (operations) over which the district exercised substantial control over both the respondent AND the context in which the sexual harassment occurs.
 - Against a Respondent in the US
 - On District Campus
 - District Sports Event
 - District field trip
 - District sponsored event
- Includes online sexual harassment but it must be analyzed to determine if it occurs in education program or activity.

Supportive Measures

- **Implement Supportive Measures: Available to ALL parties (Complainant and Respondent)**
 - No Contact
 - Safety Plan
 - Schedule Change
 - Remote work options
 - Administrative Leave With Pay

Supportive measures cannot be punitive.

Avoid Deliberate Indifference

- Promptly offer supportive measures
- Do not impose discipline outside of the formal process (decision maker)
- Properly investigate allegations in a Complaint

How (What should you do?)

- Emphasize: The District takes all matters impacting staff and student safety seriously
 - The District must determine which method will be used to address the alleged behavior
 - Title IX addresses the matter through the Federal Title IX regulation
 - Discipline may still be imposed.
 - An investigation will be conducted.
 - Both parties will have an opportunity to engage in the investigative process.
 - There will be an opportunity for an informal resolution if the parties agree and there are no legal restrictions.
 - The Code of Student Conduct or the Code of Ethics will dictate what action, if any, should be taken if the matter does not meet the Title IX threshold.
 - The student may receive local discipline, and a hearing may be scheduled.
 - The employee may be subject to Fair Dismissal proceeding in accordance with state law.

Supportive Measures

- **Implement Supportive Measures: Available to ALL parties (Complainant and Respondent)**
 - No Contact
 - Safety Plan
 - Schedule Change
 - Virtual Learning
 - IEP/504 Meeting
 - Student Support Plan & Infinite Campus Record
 - Administrative Leave
 - Social Worker Referral
 - Counselor Referral

Supportive measure cannot be punitive.

Deliberate Indifference

- Promptly offer supportive measures
- Cannot impose discipline without a formal process
- Must properly investigate all allegations

How (What should you do?)

- Looks like Title IX – Implement Supportive Measures and Begin Title IX Investigation
- Not sure if its Title IX –IMMEDIATELY Send to Title IX Coordinator
 - titleixcoordinator@dekalbschoolsga.org
- Not Title IX – Proceed in accordance with the Code of Student Conduct or Employee Misconduct process



How (What happens next?)

- **Process:**
 - Formal Complaint signed by the Parent, student, employee, or Title IX Coordinator
 - Notice of Allegations
 - Implement Supportive Measures
 - Investigate 30-days
 - Informal Resolution – At any time during the investigation (Prohibited for Employee on Student matters)
 - Evidence Review (10 days)
 - Investigation Report Review (10 days)
 - Question and Answer (10 days)
 - Decision on Responsibility (10 days)
 - Appeal (10 days)

Investigation – 30 days

Investigative File should include:

- Timeline of Events
 - Reported
 - Formal Complaint
 - Notice of Allegations
 - Notice of Meetings
 - Dates of Meetings
 - Dates of Collection of Evidence
 - Delays
- Information provided by Complainant, Respondent, and Witnesses
 - Ask open ended questions
 - Weigh information objectively
 - Ask fair questions to all parties (BE MINDFUL OF BIAS)
- Summary of Additional Relevant Information
 - Evidence and Information social media, videos, etc.
 - List what it is, how it was obtained, what it was received

The burden to collect evidence is on the school District, not the parties.