

Title IX

New Regulations

“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 of the Education Amendments of 1972

Title IX Coordinator

Amy Mescher

Supervisor of Student Services, Title IX Coordinator

310 N. 2nd St.

Coldwater, OH 45828

419-678-4821 ext. 5316

mescher.amy@coldwatercavs.org

Can be contacted during & after school hours.



Training Materials

Safe Schools requirements - due October

ALL STAFF must be trained in the new sexual harassment rules.

Documentation will be stored in the Supervisor of Student Services office for 7 years.



Types of Discrimination under Title IX

- Sexual harassment or Sex stereotypes
- Failure to provide equal opportunity in athletics
- Discrimination based on pregnancy or parental status
- Sexual violence
- Gender identity, transgender, sex role expectations
- Scheduling and other things such as equipment and access to facilities
- Discipline
- Retaliation



Change in Sexual Harassment Definition

Sexual harassment: Conduct that satisfies one or more of the following:

- An employee conditioning aid, benefits, or services on participation in unwelcome sexual conduct. (Quid, Pro, Quo/This for That)
- Unwelcome conduct so severe, pervasive **and** objectively offensive that it denies a person equal access.
- Sexual assault, dating violence, domestic violence, or stalking.

Hostile Environment needs to be present as well

34 CFR Sec. 106.30(a)



Response to Sexual Harassment

This new section requires that districts respond promptly and in a way that is not intentionally indifferent, when it has “actual knowledge” of sexual harassment.

Districts must treat complainants and respondents equally in offering supportive measures to the complainant and by following a complaint grievance process before issuing disciplinary sanctions on the respondent.

34 CFR Sec. 106.44(a)



Changes to definition

Actual knowledge:

Definition met when person provides notice of sexual harassment or allegations to a district's Title IX Coordinator or any individual with authority to use corrective measures at the district, or to any employee of an elementary or secondary school.

“Notice” includes, but is not limited to, a report of sexual harassment.



Actual Knowledge Change

Means a report may be made to any school employee

- Also means that when a report is made to any school employee, this starts the clock on responding to the complaint promptly.
- Contact complainant to explain how to file a formal complaint and offer supportive measures.
- Explain supportive measures may occur with or without a formal complaint.

A black rectangular box containing the word "ANYONE" in white, bold, sans-serif capital letters.

ANYONE™

When can a complaint be submitted?

- There are no timelines to initiate a complaint.
 - ❖ It could have been 6 months ago.
- However, policy recommends that individuals make every effort to report within a reasonable amount of time.

From an investigation standpoint...the sooner the better! Easier to recall the facts.

TimeLine

Where did allegation occur?

Must the conduct occur AT school? - NO, But...

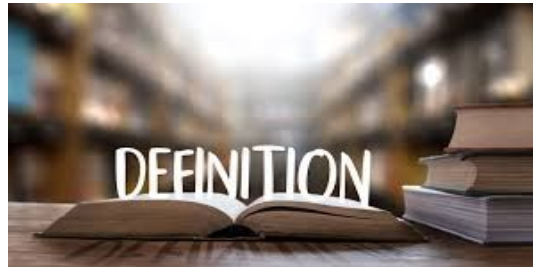
School officials are responsible for acts occurring on school grounds OR situations over which the school exercised “substantial control” like:

- Athletic Events
- Field Trips or Class Trips
- Banquets, concerts, etc.
- Keep an eye out for this if you are a chaperone or someone working or assisting during these events.



Allegations cont...

- Must have occurred in the United States
- Must meet definition of sexual harassment
- Can be dismissed if formal complaint is withdrawn
- Respondent no longer is enrolled or employed by Coldwater Exempted Schools
- Circumstances prevent school from gathering evidence to reach a determination



Emergency Removal



A district may remove a respondent from school and activities on an emergency basis as long as it:

- Undertakes a safety and risk analysis,
 - Justifies emergency removal by determining that an immediate threat to the health and safety of any individual, and
 - Provides the respondent with notice and appeal options following their removal.
- Provision states that this is not intended to modify any rights under IDEA, 504, or the ADA.

Complaint Process

1. Goal: Provide both parties with equal access to education, protect safety, deter any more sexual harassment.
2. When a complaint is filed, supportive measures by all staff members need to be put in place right away. Those supportive measures will be shared.
3. A person files an informal or formal complaint to the office of Student Services.
4. The complainant follows board policy on what goes on the form.
5. If the complaint needs further investigation, an investigator will follow-up.
6. No action can be considered “disciplinary” against respondent until an investigation is completed. Unless safety concern for others.
7. Notices and documentation are equally given to both parties.
8. A decision-maker will get the investigative report, and make a decision.
9. An appeal can be made by either side of the parties.



When Do Districts “Drop the Ball”?

When they fail to:

- Now- including - having notice and failing to report to a Title IX Coordinator.
- Take allegations seriously, and conduct an investigation - Can’t just say, “Kids will be kids...”
- Discipline as appropriate
- Remedy the effects of the harassment/bullying
- Prevent retaliation
- Check in with the claimant after the investigation



"Not only did we drop the ball, but we then let it roll out our window of opportunity."

When in Doubt?

Report, Report, Report to the office of Student Services
Title IX Coordinator.

REPORT

A hand holding a blue marker is shown underlining the word "REPORT" which is written in blue, bold, capital letters on a white background.