



**YOUNG
CONAWAY**

Title IX Training

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JENNIFER M. KINKUS, ESQ.



What is Title IX?

Title IX, 20 U.S.C. § 1681

- Prohibits discrimination “on the basis of sex”
- Applies to education programs and federally funded schools (“Recipients”)
- Protects students, employees, applicants and all other persons
- Applies to adult-on-student (ex. teacher, coach, paraprofessional) sexual harassment and student-on-student (peer-on-peer) sexual harassment

Scope of Title IX Coverage

Title IX protects all students from sexual harassment:

- ❑ Female and Male Students
- ❑ Lesbian, Gay, Bi-Sexual, Transgender and Queer (LGBTQ) Students
- ❑ Students With and Without Disabilities
- ❑ Students of Different Races and National Origins

The District's policies prohibit sexual harassment and sexual violence of any kind.

District's Title IX Obligation

If the District has actual knowledge of sexual harassment in an educational program or activity against a person in the United States, it must respond promptly in a manner that it is not deliberately indifferent.

DEFINITIONS

What does “sex” mean?

Discrimination on
the basis of “sex:

- ❖ Biological sex
- ❖ Gender
- ❖ Sex stereotyping
- ❖ Sexual orientation and gender identity
- ❖ “Sex” as a verb

Parties

COMPLAINANT

Alleged
Victim

RESPONDENT

Alleged
Perpetrator

Sexual Harassment

“Sexual Harassment” is conduct on the basis of sex that satisfies one of the following:

- ☐ Quid Pro Quo Harassment, or
- ☐ Hostile Environment, or
- ☐ Harassment under the Violence Against Women Act

Quid Pro Quo Harassment

“This for That”

- ❖ Something that is given or received in return for something else
- ❖ Can be express or implied
- ❖ Example: Teacher gives student low grade because student rejected teacher's sexual advances.
- ❖ Example: Coach gives student less playing time because student rejected coach's sexual advances

Hostile Environment

- ❖ Unwelcome conduct on the basis of sex,
- ❖ That to a reasonable person,
- ❖ Is so severe, pervasive and objectively offensive,
- ❖ That it effectively denies a person equal access to the education program or activity

Examples

- Gender-based bullying
- Obscene or sexually explicit comments or jokes
- Bullying based on student's sexuality
- Inappropriate touching
- Comments about student's sexual history
- Course of repeated conduct OR Single act depending on severity

Remember

Title IX applies to:

- ❑ Student-on-student sexual harassment
and
- ❑ Adult-on-student sexual harassment

Harassment Under Violence Against Women Act

Dating Violence

Violence by a person who is or has been in a social relationship of a romantic or intimate nature with the victim

Domestic Violence

Crimes of violence committed by current or former spouse/partner/parent against a victim who is protected under the domestic or family violence laws

Stalking

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

Sexual Assault

- Rape;
- Fondling;
- Incest; or
- Statutory rape.

Educational Program or Activity

For Title IX to apply, the conduct must occur in an “educational program or activity”

- ❖ Does not mean geography – no on/off campus bright-line rule
- ❖ Includes locations, events, or circumstances over which the District exercised substantial control over both the respondent and the context in which the harassment occurs

Conduct must be against a person in the United States

- ❖ Does not apply to study abroad

District's Title IX Obligation

If the District has actual knowledge of sexual harassment in an educational program or activity against a person in the United States, it must respond promptly in a manner that it is not deliberately indifferent.

Actual Knowledge

Notice of sexual harassment or notice of
allegations of sexual harassment to
**ANY EMPLOYEE OF AN ELEMENTARY OR
SECONDARY SCHOOL**



Actual Knowledge by ANY Employee ...

What does this mean?

(assuming conduct occurred in educational program or activity and victim is in the US)

- ☐ If someone tells you they were the victim of sexual harassment, the District's Title IX obligations are triggered
- ☐ If you witness sexual harassment, the District's Title IX obligations are triggered
- ☐ If someone tells you they witnessed another individual being sexually harassed, the District's Title IX Obligations are triggered

Deliberately Indifferent

The District is only deliberately indifferent if its
response to sexual harassment is
**UNREASONABLE IN LIGHT OF KNOWN
CIRCUMSTANCES.**



Title IX Reporting

Reporting Obligation

Any District employee who receives a complaint or is made aware of a complaint of sexual harassment is **REQUIRED** to report the complaint to the Title IX Coordinator!!

How to Report Incident of Sexual Harassment to Title IX Coordinator

Report should be
made AS SOON AS
POSSIBLE after you
have knowledge of
the incident.

- ❖ In-person conversation
- ❖ Telephone call
- ❖ Email

What Should Report Include?

Reports to the Title IX Coordinator must include the names of all persons involved as well as details.

Title IX Process

District Roles in Title IX Process

- ❖ Title IX Coordinator
- ❖ Investigator
- ❖ Decision-Maker
- ❖ Appeals Decision-Maker

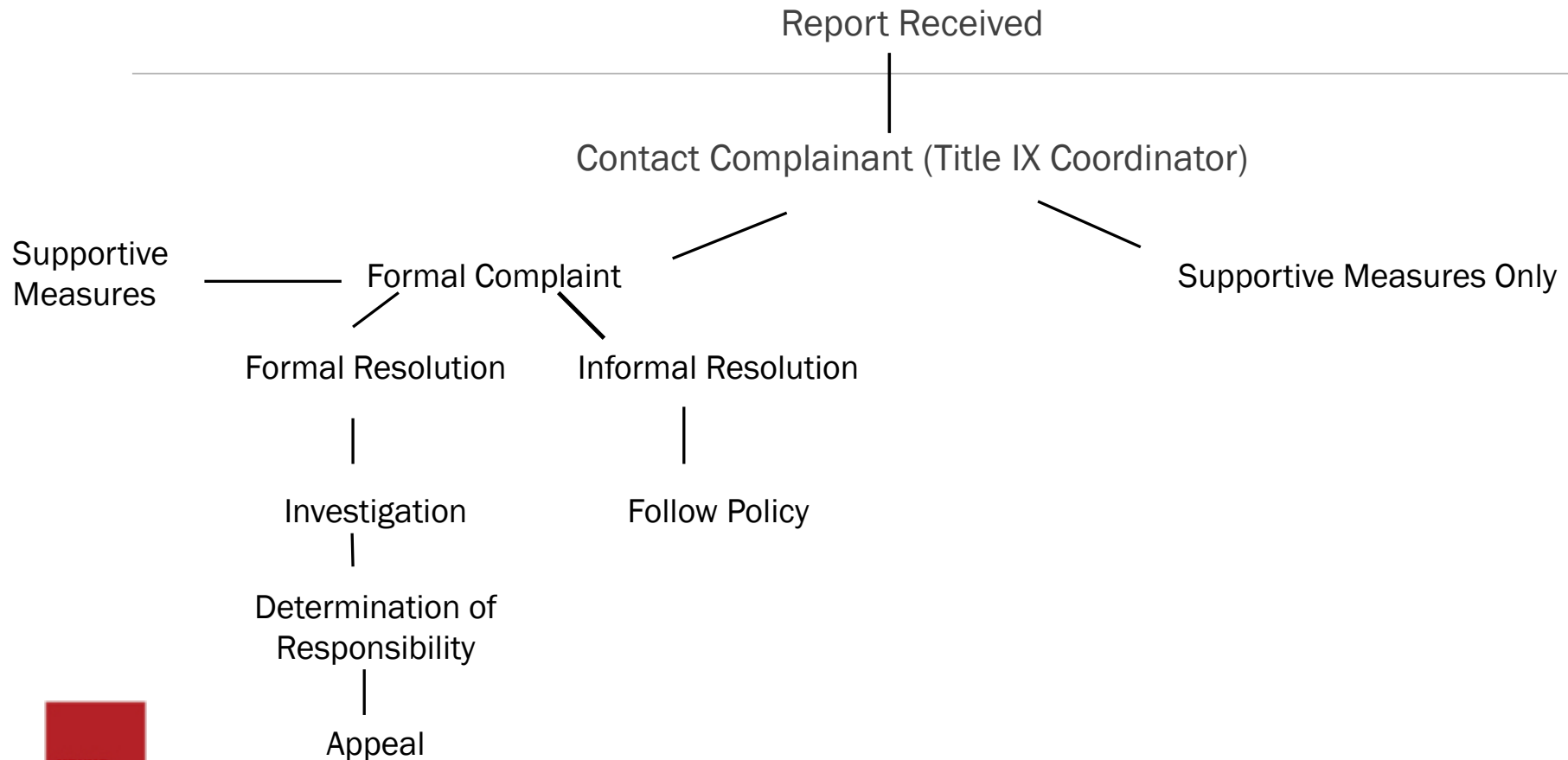
District's Responsibilities

Title IX Coordinator

When the District becomes aware of a report of sexual harassment it must promptly:

- Provide Supportive Measures
- Provide information on available resources
- Provide options for filing a formal complaint

Overview of Process



SUPPORTIVE MEASURES

Offered by Title IX Coordinator to complainant
promptly after report received or
actual knowledge of harassment exists

Examples of Supportive Measures

- Counseling
- Extension of deadlines or other related adjustments
- Modifications of work or class schedules
- Campus escort services
- Mutual restrictions on contact between the parties
- Leaves of absence
- Increased security and monitoring
- Sending student to principal's office
- Educational conversations
- Changing student seating
- Changing class assignments

Formal Complaint

- ❖ May or may not be filed after a report is received or the District has actual knowledge of harassment
- ❖ Formal complaints may be filed with the Coordinator in person, by email, by mail or by any other method designated by the school
 - Ex. online reporting system
- ❖ “Formal Complaint” is any document filed by a complainant or signed by Title IX Coordinator that alleges sexual harassment against a respondent requesting that the District investigate the allegation of sexual harassment

District's Responsibilities After Formal Complaint Is Filed

- ❑ Provide notification of a formal complaint and resources to both parties (Title IX Coordinator)
- ❑ Thoroughly investigate the allegations and evidence, including interviewing witnesses (Title IX Investigator)
- ❑ Allow both parties the ability to have access to all investigation materials
- ❑ Notify both parties of the outcome of the process (Title IX Decision-Maker)
 - ❑ Process may either be a live hearing or a written decision
- ❑ Allow either party to appeal the decision (Appeals Decision Maker)
- ❑ Most importantly, provide a **timely, fair and impartial** process throughout for both parties

CONFIDENTIALITY

Anonymity & Privacy

All District
employees are
REQUIRED
to report any
incident of sexual
harassment to the
Title IX Coordinator

Reports to the Title IX Coordinator must include the names of all persons involved as well as details.

Title IX Coordinator is required to protect the privacy of the individuals involved to the extent possible.

- ❑ If the complainant decides to file a formal complaint, then the identifiable details are shared on a “need to know” basis with the Title IX Investigators and Decision-Makers.

Confidentiality

- ❑ District must keep confidential the identity of any individual who has made a report or complaint of sexual harassment, or has been identified as the perpetrator or respondent, or is a witness to any complaint or investigation to the extent possible
- ❑ All information must be maintained in a secure manner
- ❑ Do not over-promise confidentiality – due process and other considerations may require disclosure of information obtained through investigation

Bias and Impartiality

ENTIRE TITLE IX PROCESS MUST BE IMPARTIAL AND FREE FROM
BIAS AND CONFLICTS OF INTEREST



Bias


Bias is prejudice in favor of or against one person or group compared with another.

Opposites of Bias:

Fair

Objective

Must avoid the intentional or unintentional injection of sex-based biases and stereotypes into Title IX proceedings.



Examples of Bias

- ❖ Assuming that complainants or respondents generally are more likely to tell the truth
- ❖ Assuming that respondents are presumptively responsible for alleged sexual misconduct
- ❖ Assuming victim was “Asking for it” based on what they wore, how much they had to drink, how they were dancing, etc.

Unbiased Process

- ❖ Gives parties equal opportunities for participation at every stage
- ❖ Presumes innocence until a determination regarding responsibility is made
- ❖ Results in a determination made based on an objective review of all relevant, available evidence

RETALIATION

Under Title IX, it is unlawful to retaliate against an individual who has:

- ❖ Made a complaint of sexual harassment
- ❖ Been accused of a violation
- ❖ Participated in the investigation of such a complaint (i.e. testifying as a witness);
- ❖ Been involved in the decision regarding corrective and/or disciplinary action

What Should You Do If

- Listen, but do not provide any promises that you are unable to keep or information that you do not feel confident in sharing
- Assure reporter that anything they say will be kept private (but not confidential)
- Assure reporter that Title IX Coordinator will be reaching out to provide information on supportive measures and options
- **REPORT THE ALLEGATION OF SEXUAL HARASSMENT TO THE TITLE IX COORDINATOR PROMPTLY**
 - By phone, in-person or brief email

DO NOT

- ❖ Ignore the report
- ❖ Make promises of confidentiality
- ❖ Investigate
- ❖ Pass judgment on either party

Questions??

Contact Title IX Coordinator

Gina Moody

Director of Student Services and
Whole Child Support

302.552.2600

Gina.Moody@christina.k12.de.us