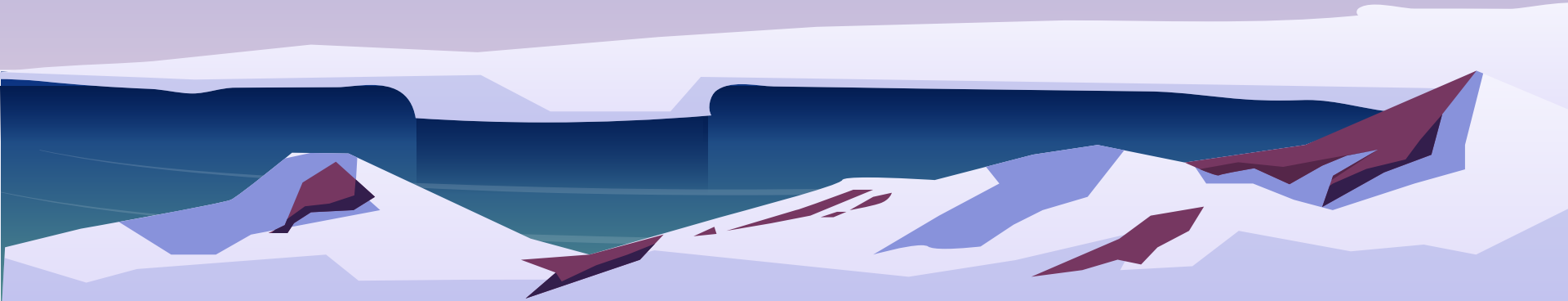


Title IX



Title IX Reference

01

CA Ed Code

Title IX is a federal law.
In addition to Title IX,
the California Education
Code prohibits
discrimination on the
basis of sex.

02

CBA

Title IX is not referenced
in the CBA, complaints
are handled by HR/Title
IX department

03

TR BP & AR

Board regulations that are
related to Title IX:
1312.3 , 5145.3 , 5145.7 ,
and 5145.71



WHAT IS TITLE IX?

Title IX Statute
(20 U.S.C. §§ 1681–1688)

"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."



Relevant Title IX Terms

- **Complainant** – an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- **Respondent** – an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- **Formal Complaint** – a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting the District investigate the allegation(s). A Formal Complaint initiates a formal grievance process in which parties are entitled to due process protections.

Settings Covered by Title IX

- **Buildings or other locations that are part of the school operations, including remote learning platforms**
- **Off-campus settings if the school has substantial control over the respondent and the context in which the alleged sexual harassment occurred (e.g., a school field trip to a museum)**

Title IX Quid Pro Quo

Definition: An employee of the school conditioning an aid, service, or benefit of the school on an individual's participation in unwelcome sexual conduct

New: Only an employee (not a volunteer, another student, etc.)

Codified: Severity and harm presumed



“Big Four”

Sexual Assault 20 U.S.C. 1092(f)(6)(A)(v)

Domestic Violence 34 U.S.C. 12291(a)(8)

Dating Violence 34 U.S.C. 12291(a)(10)

Stalking 34 U.S.C. 12291(a)(30)




What is Sexual Harassment?

Unwelcome conduct determined by a reasonable person to be so ***severe, pervasive, and objectively offensive*** that it effectively denies a person's equal access to the school's education program or activity



Severe

- Something more than just juvenile behavior among students
 - Something more than behavior that is even antagonistic, non-consensual, and crass
 - Simple acts of teasing and name calling are not enough, even when based on sex
- 

Pervasive

- Systemic, widespread
- Multiple incidents—one incident is likely not enough
- Reconciles the general principle that Title IX prohibits indifference to known harassment with the practical realities of responding to misconduct



Objectively Offensive

- Constellation of surrounding circumstances, expectations, and relationships



Which of the following is likely to constitute severe, pervasive, and objectively offensive conduct such that it is covered under Title IX?

- A single unwelcome hug by another student
- A teacher making repeated sexually suggestive and harassing comments to his/her students
- A student being subject to repeated harassing comments
- Several unrelated, unrepeated incidents of brief unwanted touching by separate individuals over the course of several years.

Best Practices

- Call law enforcement for any possible criminal acts (sexual assault, domestic violence)
- Call CPS (get worker code if no report #)
- Collect relevant statements (Complainant, Respondent and any witnesses).
Keep originals and give copies to any dept/agency requesting
- Note relevant camera information for footage request
- Call Title IX Director if you have any questions or concerns



Scenarios/Discussion

Katie and Sarah are 11th graders who snuck into a party held by Charlie, a 12th grader, on a Friday night. After the party, Katie tells Sarah that Charlie cornered her and touched her in a way that made Katie uncomfortable. Sarah is worried about Katie and, on Monday, tells one of her teachers about the incident.

- Is this conduct covered by Title IX?
 - What if any actions should be taken?



Scenarios/Discussion


8th grader Emmanuel tells a teacher at his school that he was sexually assaulted by a fellow student. The teacher tells Emmanuel that the offense is a crime, so it must be reported to the police.

- What else, if anything, does the teacher need to do?
- Does this fall under Title IX?



Scenarios/Discussion

Elementary student Tony accuses fellow student Sam of sexual harassment. Tony though has a long disciplinary record, multiple suspensions, and has on at least one occasion, falsely accused another student of theft.

- What are some potential concerns that might arise in this scenario?
 - What should the Title IX Coordinator do?
- 



Questions/Comments/Concerns

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