

Title IX Site Administrator Training

Keeping schools safe for kids and staff

February 22, 2022



Session Objectives

Review Key Component from Prior Training

Taking Title IX Complaints


Steps to Initial Investigation

Steps to Prevent Sexual Harassment

Avoiding Common Mistakes

TRUSD Ensuring Title IX Compliance





Questions are encouraged but please refrain from mentioning a specific situation or incident at your school.



Title IX

History and Overview



“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.” -Education Amendments of 1972

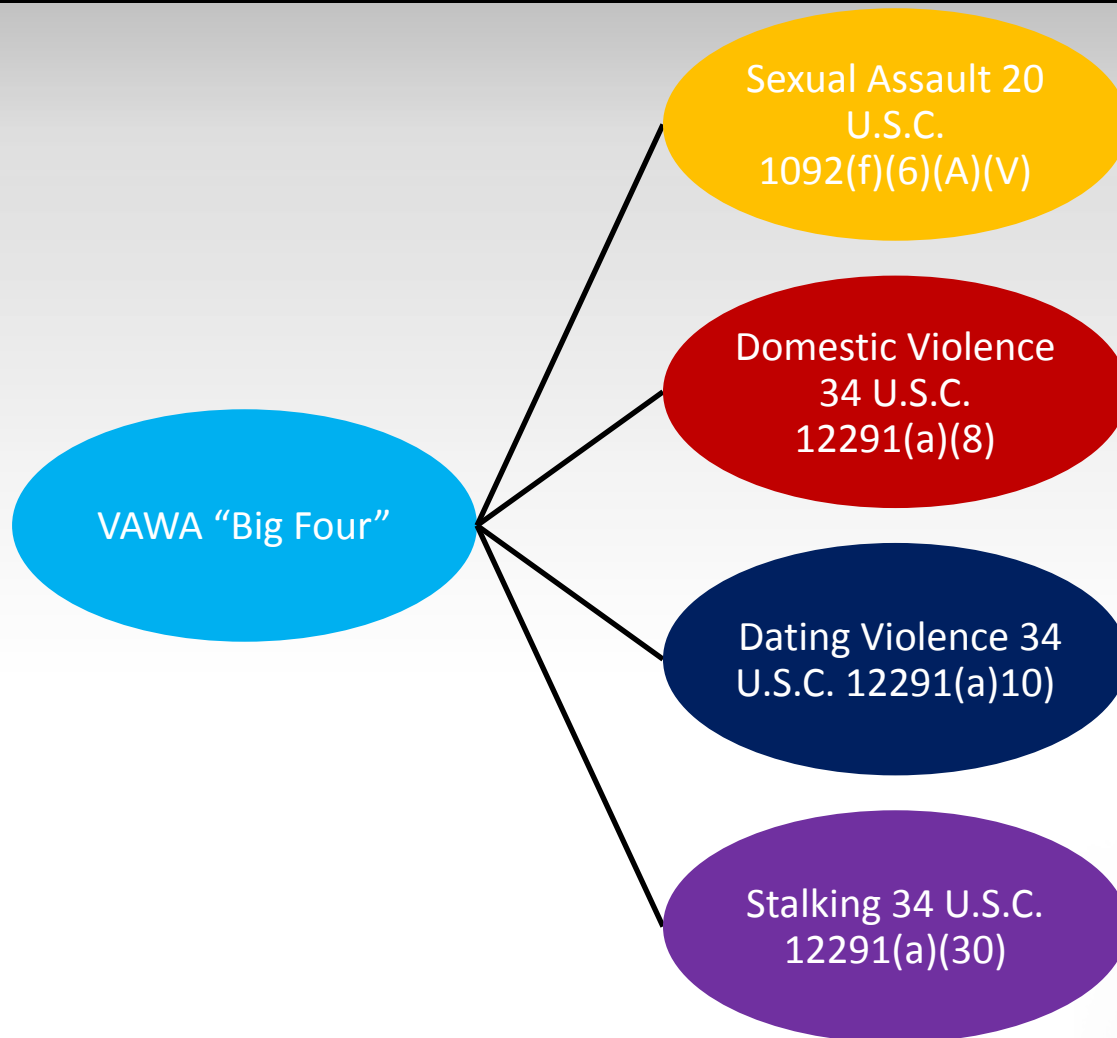




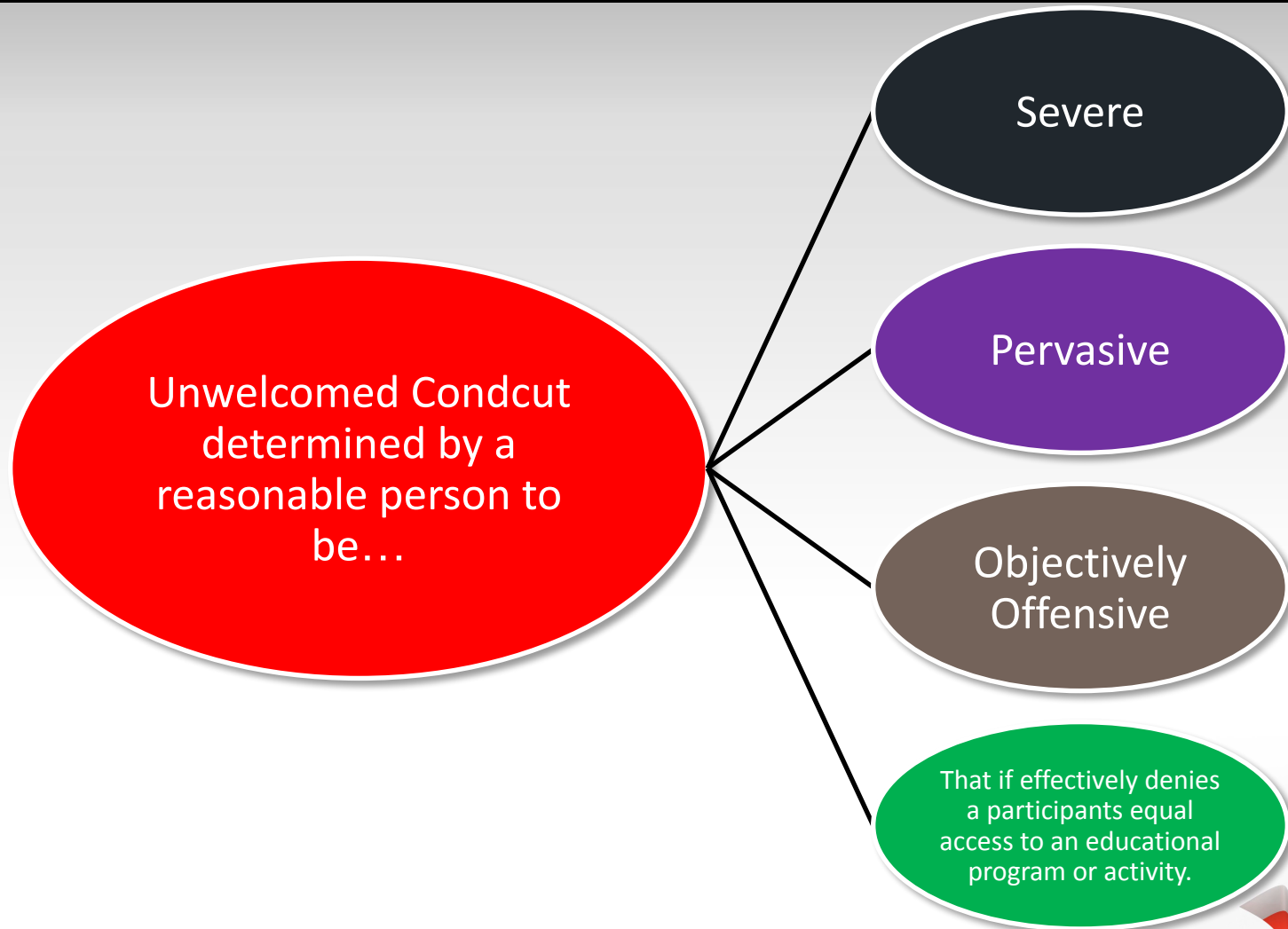
Protected Classes

Age, Color, Disability, Ethnic or National Origin, FMLA, Gender, Race, Religion, Pregnancy, Gender Identity, Political Beliefs, Social Marital Status, Sexual Orientation, Linguist Preference, Retaliation, Social or Family Background, Filing a Complaint, Participating in a Complaint. GINA

What is Considered Sexual Harassment in Title IX?



What is Title IX Sexual Harassment?



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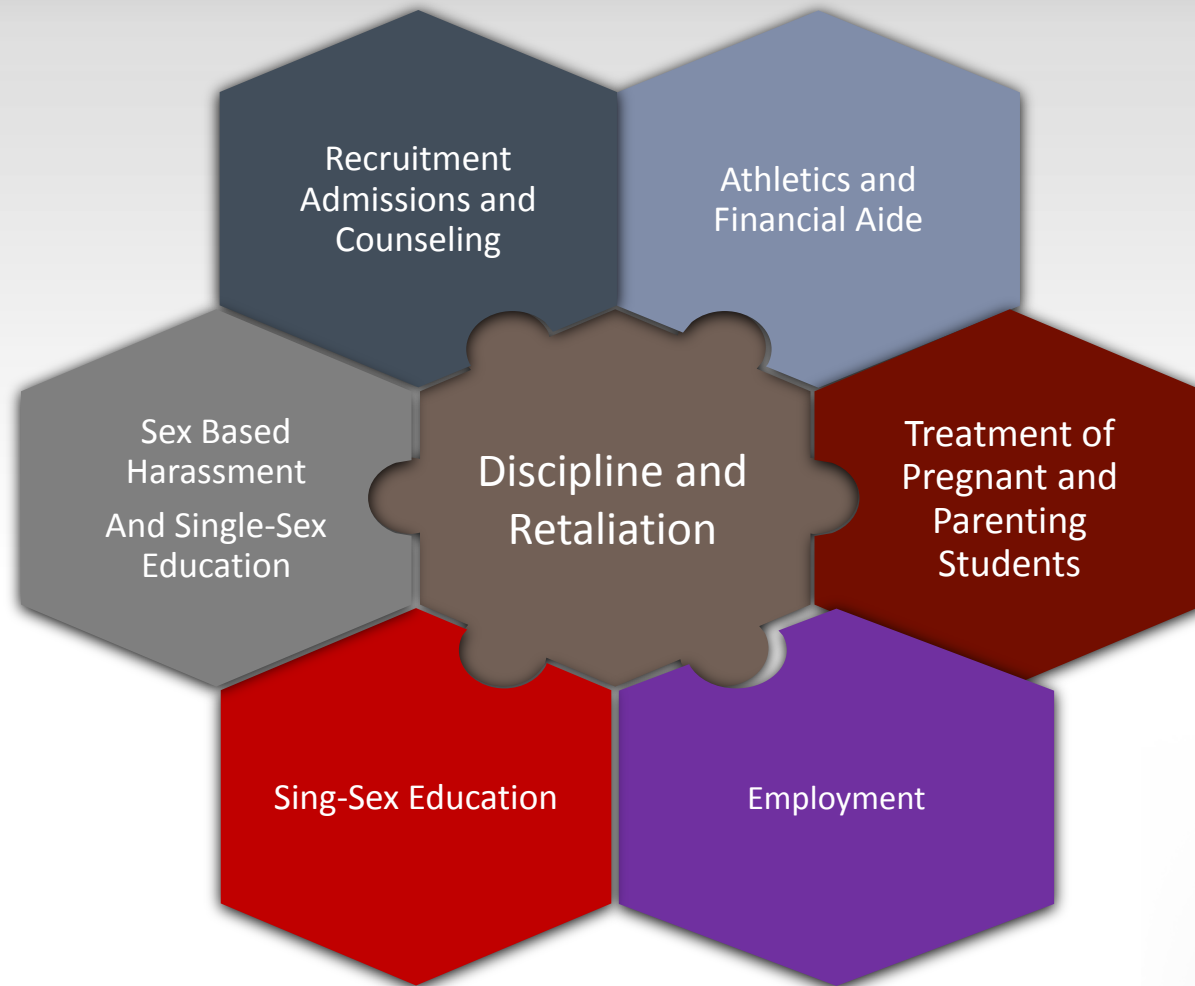
Quid Pro Quo

Applies to employees

A district employee conditioning the provision a district aide, benefit or service on a person's participation in unwelcome sexual conduct



What is covered in Title IX



What is Actual Knowledge?

Actual Knowledge is defined as...

- Notice of sexual harassment or allegations of sexual harassment to a District's Title IX Coordinator or any official of the district who has the authority to institute corrective measures on behalf of the recipient or to any employee of an elementary or secondary school.
- Once a school receives notice, it must respond and take action whether a formal complaint is filed or not.
- *A person with authority is defined as any school employee.

Consent is Defined in our Area Regulation as...

For the purpose of this AR, Section 261.6 of the California Penal Code defines consent as “positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution under Section 261, 262, 286, 287, or 289, or former Section 288a.”


A voluntary expression of willingness, permission, or agreement to engage in sexual activity throughout a sexual encounter. Consent cannot be granted by an individual: who is less than the statutory age of consent under California law, has a mental or physical condition or incapacity that prevents the giving of consent; or from whom ostensible “consent” is extracted through threat, coercion, or forcible compulsion.

How is an Educational Program Defined?

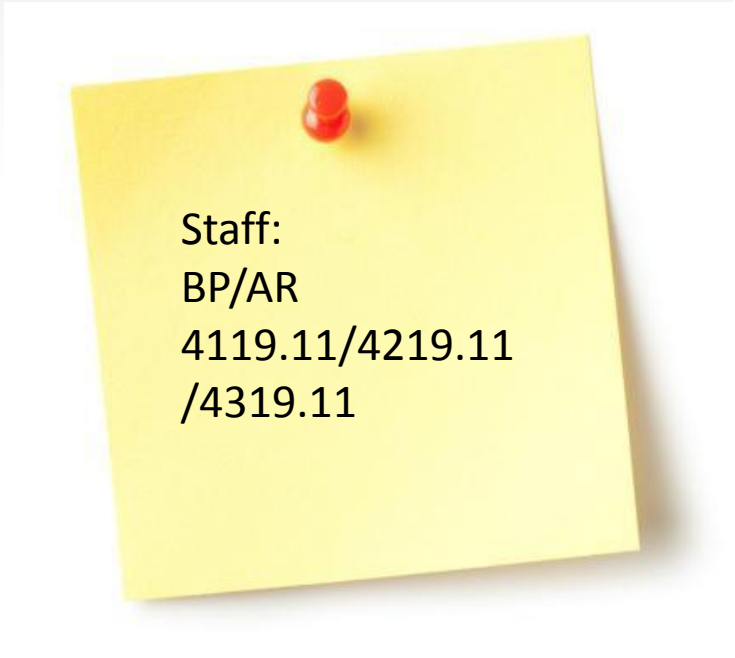
- Locations, events, or circumstances where the district has substantial control over both respondent(s) and the context in which alleged Title IX Sexual Harassment occurred.
- *If an incident impedes a person's ability to access their educational program it could fall under Title IX.

All Other Situations related to Sexual Harassment not covered under Title IX

- For situations that may not meet Title IX definitions, sites will be able to proceed under the District's regular sexual harassment Board Policy and Area Regulation.



Students
BP/AR 5145.7



Staff:
BP/AR
4119.11/4219.11
/4319.11

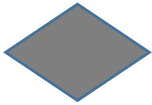
2020 Changes to Title IX Process



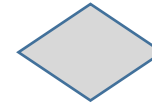
Changes to Title IX Process



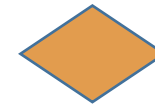
No single Investigator



No longer allowed to implement punitive measures or consequences until Title IX process is finalized.



Emergency Removals



Open Process where all investigative evidence is shared with both parties.

Site Based Guidance for Sexual Harassment Claims

While the school site will not be responsible for the Title IX Investigation, there are still initial pieces the site will need to gather and provide

WHERE

WHAT

WHEN

WHY

HOW

WHO



Steps to An Investigation



Identify Parties

Who is the Complainant(s)?
Who is the Respondent(s)?
Are there potential witnesses ?

Obtain Statements

Whenever possible have students write statements. Read them thoroughly and ask clarifying questions so students can clarify on their statements before leaving.

Gather Evidence

Is there video evidence? If so get camera #s and locations and immediately pull footage and email camera #s, times, and locations to Katrina

File a Police Report

Contact TRPD.
Get Report or Incident #.
Document that # in your records and in Aeries.

Contact CPS

Contact CPS
Note dates of contact, time of contact and Name and Badge # of person taking the report. IN addition, please complete online form and print before submitting.

Call Katrina

Contact Title IX Coordinator

Important Considerations when Gathering Information

- Collect ages of students involved
- Best Practice is to print demographics of all involved and include role.
- Is the current allegation leading to issues with inclusivity or hostile environment?
- Is there a concern regarding immediate harm to others?
- Do not tell students/families it is Title IX unless that has been identified by Title IX Coordinator.
- Never interview students together or allow students to write statements in the same space.
- Never interview an employee if they are the person the allegations are against.
- Identify if any students are members of protected groups.
- Does the potential respondent have a pattern of behavior or is this a one time event of incident?

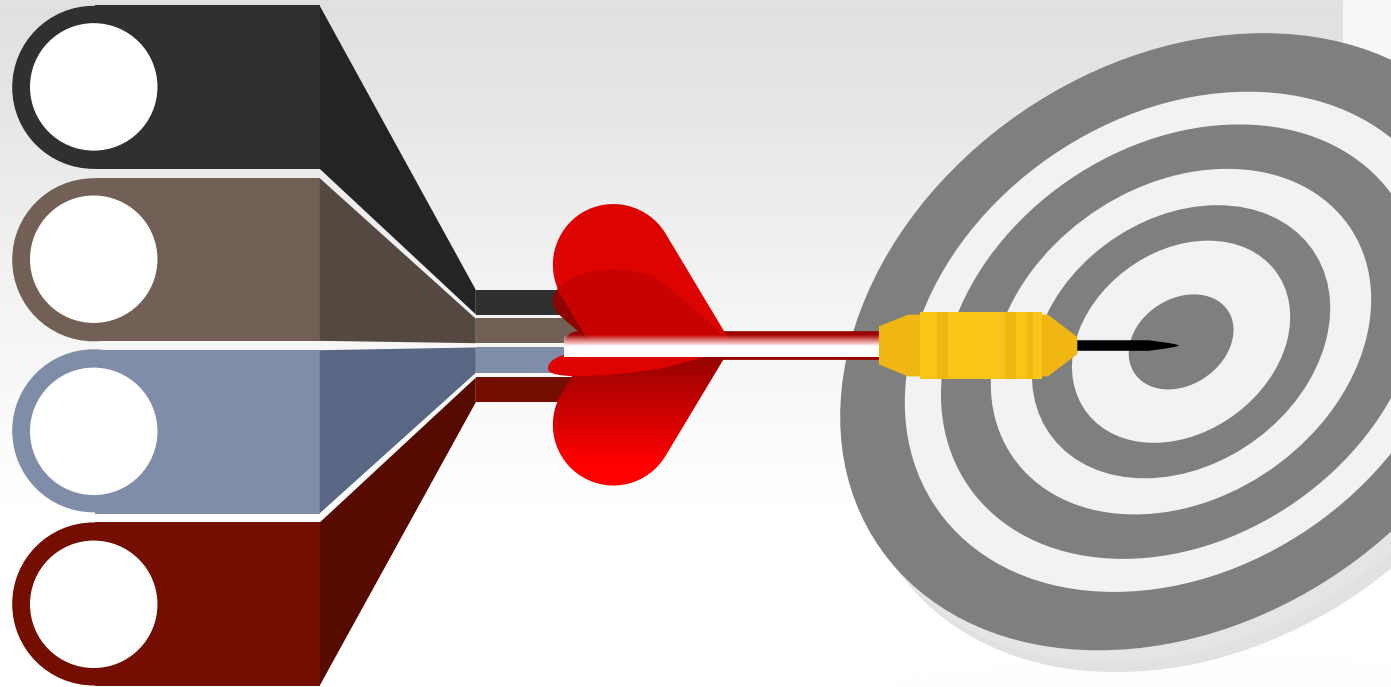
Approaches When Talking to Complainants and Respondents

Listen

Be Present

Avoid Judgement

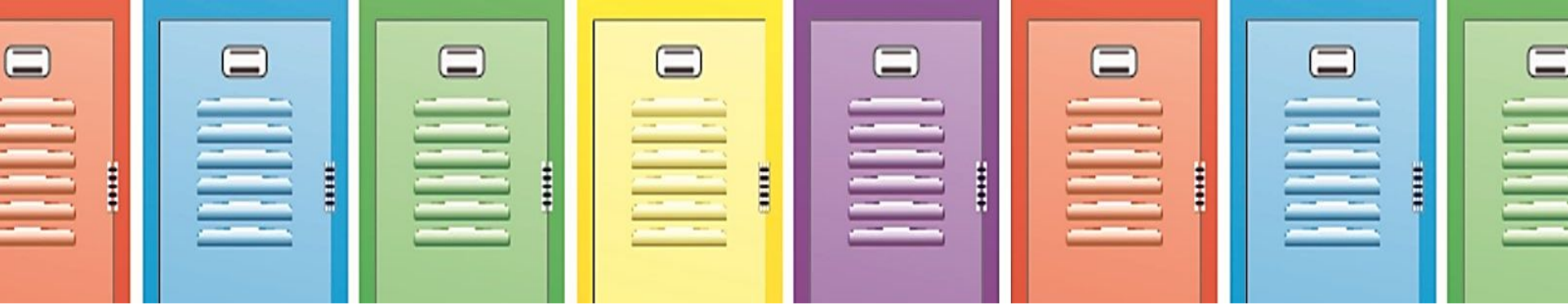
Avoid statements
about possible
outcomes



Important to Work Promptly with Intentionality

- Remember once we have we have actual knowledge we have been placed on notice and need to act
- Maintaining a sense or urgency
- Working quickly is key!





Confidentiality Is Key

Do Not Share Information with others



Being Free From Bias

- Refrain from making comments or judgements
- If there is a conflict of interest identify a person to support with initial information gathering
- Do not make statements about other students
- Do not comment on if something looked consensual
- Do not use body language demeanor that could be perceived to be biased.
- You can show empathy and still be free of bias.



Common Mistakes

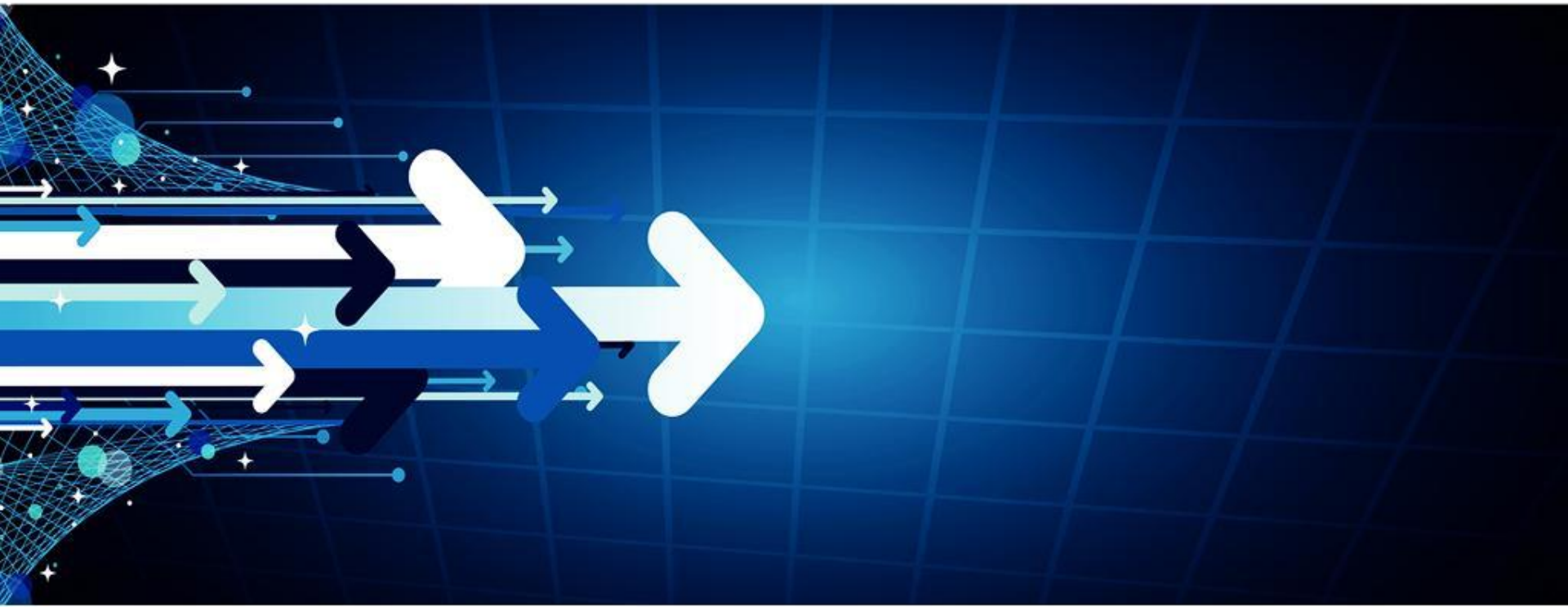
- Information should not be shared with site staff who do not need to know.
- Video Evidence should only be viewed by the administrative team and law enforcement.
- Do not make comments about your perception of if it was
- Telling families something is Title IX before it is confirmed to be Title IX.
- Identify If parents need to be contacted or not. When in doubt call Katrina!



Overview



Understanding the Process





Intake Meetings and Formal Complaints

- Once an allegation is reported that could fall under Title IX, the Title IX Coordinator will arrange for an intake meeting with Complainant.
- Complainant will be provided with an overview of the Title IX Process.
- They can choose to proceed with Title IX or Decline it.
- In some situations the Title IX Coordinator can sign a formal complaint on their behalf.

Written Notice of Allegations

- Sent to parties simultaneously as well as to parents
- Notice of allegations includes the specifics of the allegation
- Notice of applicable board policies and area regulations
- Notifies parties of their rights in the process including their right to have an advisor
- Identifies the investigator(s), decision makers and appeals officer
- Notes the anti-retaliation policies listed
- Standard of proof is stated
- *This was a change in process since 2020





Emergency Removals

Emergency Removal Process

- A health and safety assessment is completed to identify if there is a health or safety risk.
- The Principal makes the determination.
- A notice of Emergency removal is sent out to the Respondent(s) and their parent/guardians.
- The board is notified.
- The removal is from in person programs.
- The student is placed in an appropriate educational program.

Balancing Federal Laws

- If a respondent is being placed on an emergency removal a manifest determination must be held.
- The manifest is required as part of the Title IX process
- It is not disciplinary

Title IX



Title IX Process

Investigation

An assigned investigator will collect evidence, interview parties and witnesses and compile an investigative file and summary

Decision

Makes a determination if a Title IX violation has occurred. The standard is identified as a preponderance of the evidence.

Appeal

Either party can choose to submit an appeal for the decision and the evidence is then provided to an appeals officer to make a determination

Supportive Measures

Supportive measures can be offered at any point in the process.

Informal Resolution

Informal Resolution can be requested at any point in a process. The process can be initiated at any point in the process and if the agreement is not agreed upon by both parties, the process proceeds.

Bias and Conflicts of Interest



- ✓ Members of the Title IX team must ensure the process is free from bias and conflicts of interest.
- ✓ If a member of the Title IX team thinks there may be a conflict of interest it should be brought to the Title IX Coordinator.
- ✓ NOA allows parties to see who has been assigned so if a conflict arises they are able to make notifications to the Title IX Coordinator.

Standard for Decision Making

Preponderance of the Evidence

**Title IX Coordinator
Katrina Callaway**

Investigators

Dayna Russell

Francine Brissy

Darrin Greer

Jordan Alvarado

Takendra White

Marcy

David Robertson

Tiffany Hunt

Leslie Pring

Tim Shannon

**Decision
Makers**

Brett Taylor

Cyndi Andrews

Yvette Streeter

**Appeals
Officer**

Dwight Harvey

**Informal
Resolution
Officers**

TBD

TBD



Steps to Create an Environment

Free of Sexual Harassment



- Walk your campus and identify any areas that could be a potential risk (hidden inlets, unlocked isolated areas, stairwells accessible without supervision).
- Ensure a clear supervision plan for your campus.
- Review Sexual Harassment Policies with staff on a regular basis and create a culture where professional boundaries are expected.
- Establish age appropriate assemblies or protocols for talking to students about sexual harassment and how to report it.
- Post sexual harassment policies and processes for reporting.
- Know what questions to ask and have a clearly outlined investigative plan and process in place.
- Be visible and observant on your campuses
- Training staff in investigative processes and ensuring everyone knows the process.

Posting Requirements

- There are posting requirements for both Sexual Harassment and Uniform Complaint Procedures.
- We are putting together posters and will send them to sites with instructions on where to post.



Who to Call?

Who to Call?



Rudy	Katrina	Jordan
Discipline and Bullying	Title IX	Any staff member involved incident
Uniform Complaint Procedures	Discrimination Based Incidents	

Steps TRUSD has Taken to Ensure Compliance with Title IX

1

Policy Review

2

Identified Roles and a Title IX Team

3

Provided Training

4

Preventative measures through awareness
and education

Additional Resources

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48985 Notices, report, statements and records in primary language

CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1092 Definition of sexual assault

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 34

12291 Definition of dating violence, domestic violence, and stalking

UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

106.1-106.82 Nondiscrimination on the basis of sex in education programs

QUESTIONS

