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**Title IX ~ TRUSD**  
**P.E. Teachers**

**August 15, 2022**

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# Objectives



## What is Title IX?

Origins, evolution,  
current law



## TRUSD

Title IX policies and  
regulations



## Physical Education

Your school, your gym,  
your program



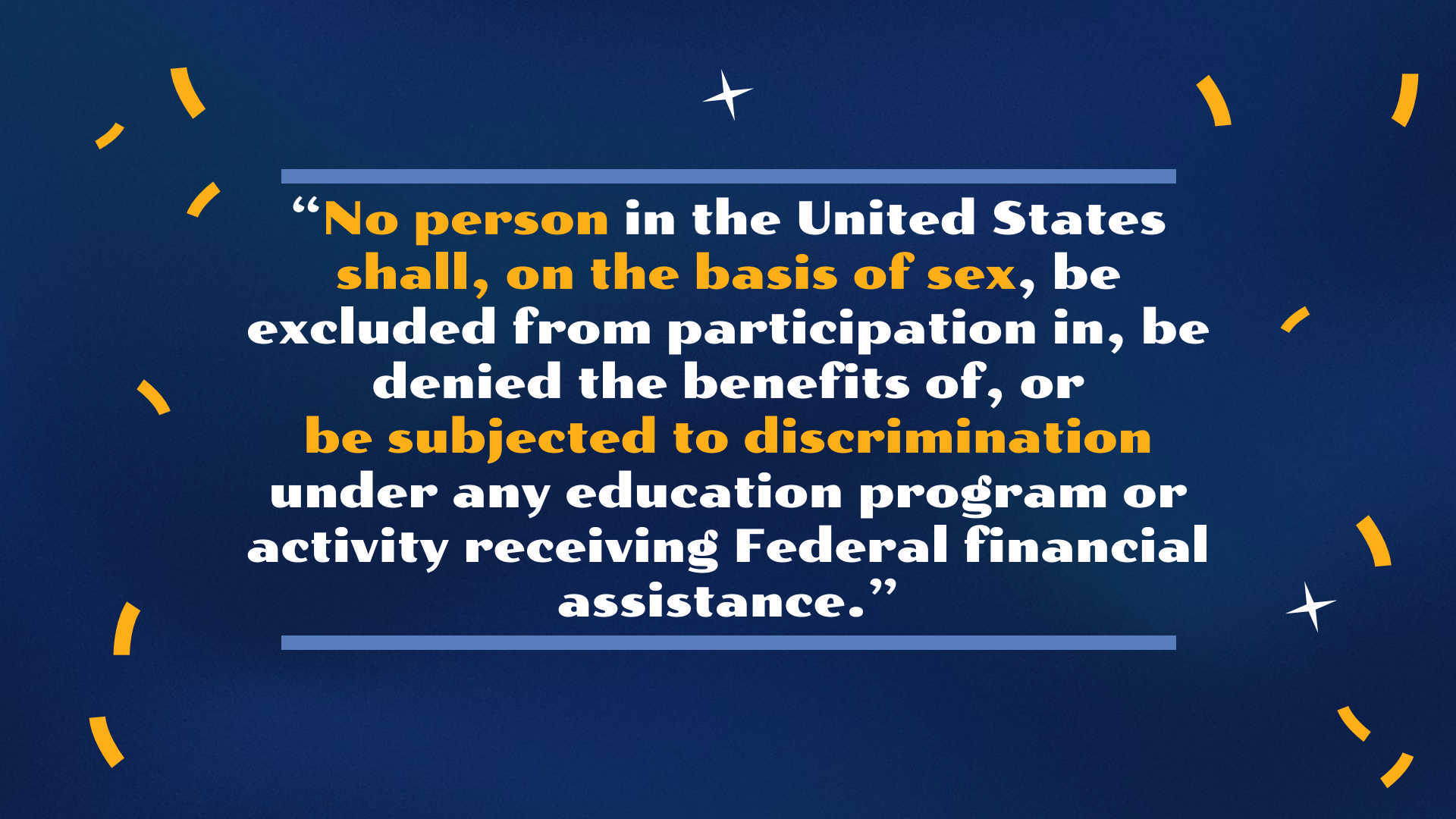
**What does it mean to you?**

# Title IX

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An evolving law  
about **EQUITY**





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**“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.”**

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# Title IX ~ 1972

Borrowed language from the Civil Rights Act of 1964 to protect against discrimination in educational institutions

Initially intended to eliminate gender quotas for hiring and admissions

Athletics was a natural application of the law because sports was one of the most obvious school programs segregated by sex.

<https://www.npr.org/2019/01/10/683571958/how-bernice-sandler-godmother-of-title-ix-achieved-landmark-discrimination-ban>

<https://www.cbssports.com/general/news/title-ix-50th-anniversary-what-is-title-ix-how-it-became-law-and-how-it-changed-athletics-forever/>

<https://www.nationalaffairs.com/publications/detail/the-strange-evolution-of-title-ix>



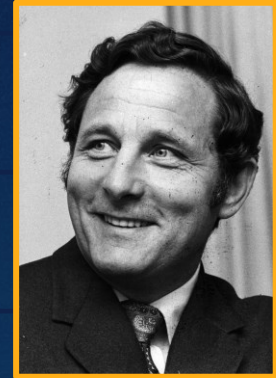
Dr. Bernice Sandler



Rep. Patsy Mink

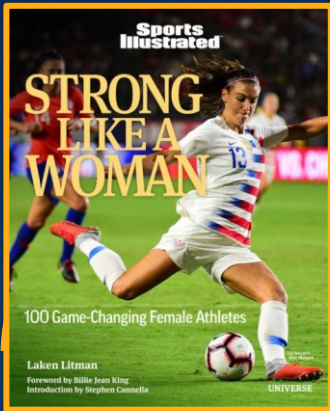


Rep. Edith Green



Sen. Birch Bayh

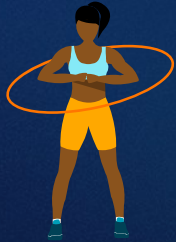
# Title IX Turns 50!



# Title IX Impacts

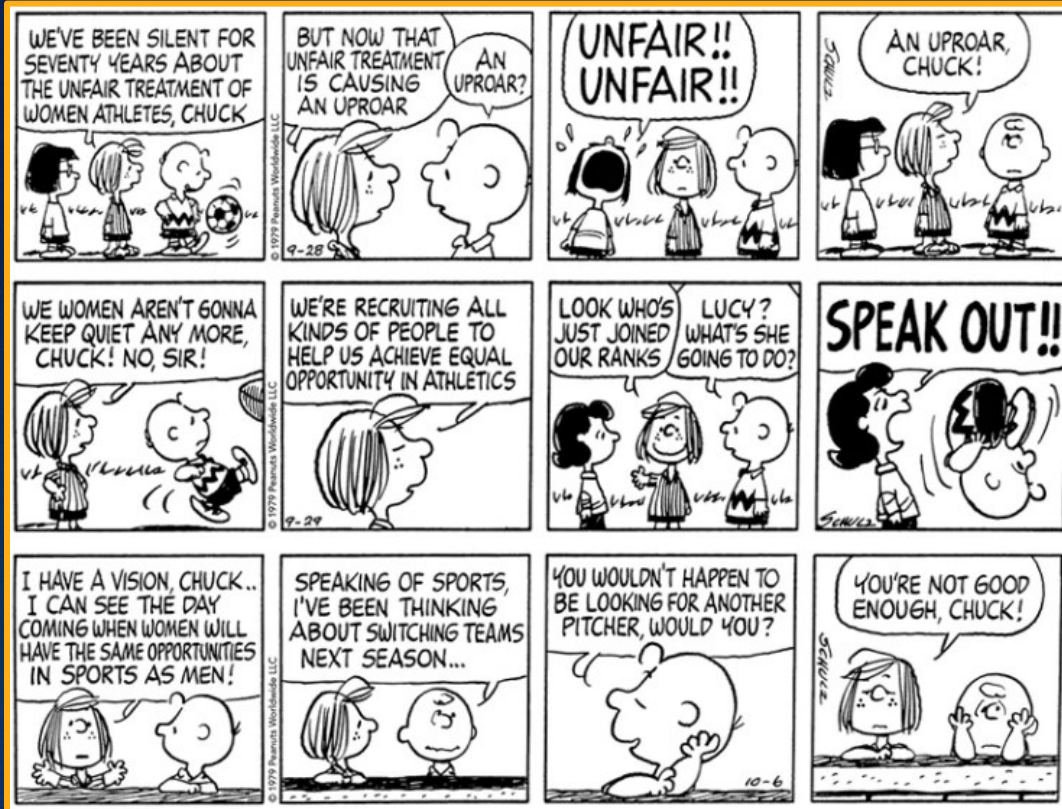


<https://youtu.be/NdgNI6BZpw0>





# Title IX: Unexpected Advocacy



# The Impacts of Title IX

1972

- 294,015 girls in high school sports
- 7% of high school athletes were girls
- 29,977 female athletes at the college level
- 15% of college athletes were women



2018-2021

- 3,402,733 girls in high school sports
- 43% of high school athletes were girls
- 215,486 female athletes at the college level
- 44% of college athletes were women

# ★ Beyond Equity in Sport ★



"That's another reason I like girls to get into sports—it helps them navigate our real-life culture, especially business culture."

~ Billie Jean King



"Whether doctors, lawyers, engineers, CEOs, senators, university presidents, tech titans — the pathways for women will keep easing because sports can pave the way."

~ Val Ackerman



"A study by the Women's Sports Foundation (WSF) and espnW found that 94% of women in the C-suite played sports growing up and more than 52% played at the collegiate level."

~Lisa Kaplowitz

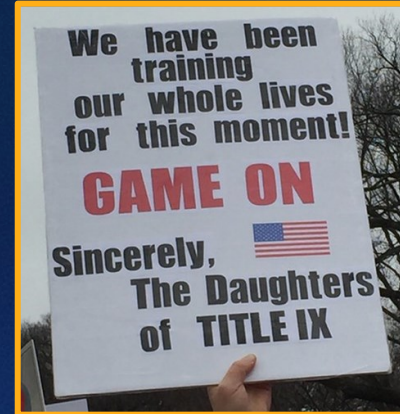


"If you are serious about wanting to advance more women into leadership roles, you can't underestimate the role of sport."

~ Beth Brooke-Marciniak

# ★ Beyond Equity in Sport ★

Case law has gradually expanded the application of Title IX to include student-to-student discrimination rather than simply institutional discrimination.



In April of 2011, the Office for Civil Rights released “The Dear Colleague Letter” outlining federal guidelines for schools’ Title IX compliance, raising the bar for sexual violence prevention and response to a new standard that few campuses fully met.

# ★ **Title IX: sexual misconduct =** ★ **discrimination based on sex**

**Harvard faces Title IX lawsuit after 3 students claim sexual harassment, abuse and retaliation by professor**

By [Taylor Romine](#), CNN  
Published 2:53 PM EST, Thu February 10, 2022

**Adelaide University issues apology to sexual assault victims, establishes integrity unit to deal with reports of sexual assault**

Posted Wed 23 Jun 2021 at 9:59pm

**With Boulder Students As An Inspiration, Denver Students Push For Changes To How Schools Handle Sexual Misconduct**



By Jenny Brundin · Apr. 21, 2021, 4:00 am

**Students File Lawsuit Against Brown University, Allege Administration “Repeatedly Downplayed or Dismissed” Sexual Misconduct Complaints**

8/13/2021 by [CARRIE N. BAKER](#)

**The Younger Victims of Sexual Violence in School**

Conversations about Title IX tend to focus on college, but cases among K-12 students are abundant and often poorly handled.

By Mark Keierleber

# Title IX: Connecting the Dots

Apply to everyone  
in the  
United States



## Federal Laws



U.S. Constitution  
and Acts of  
Congress

Citizens, residents  
and visitors in that  
particular state



## State Laws



State Constitutions  
and  
State Laws

Citizens, residents  
and visitors in a  
region or locality



## Local Laws and Policies



City and County  
Ordinances

(Includes School Board Policies)

# TRUSD

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**District Policies &  
REGULATIONS**

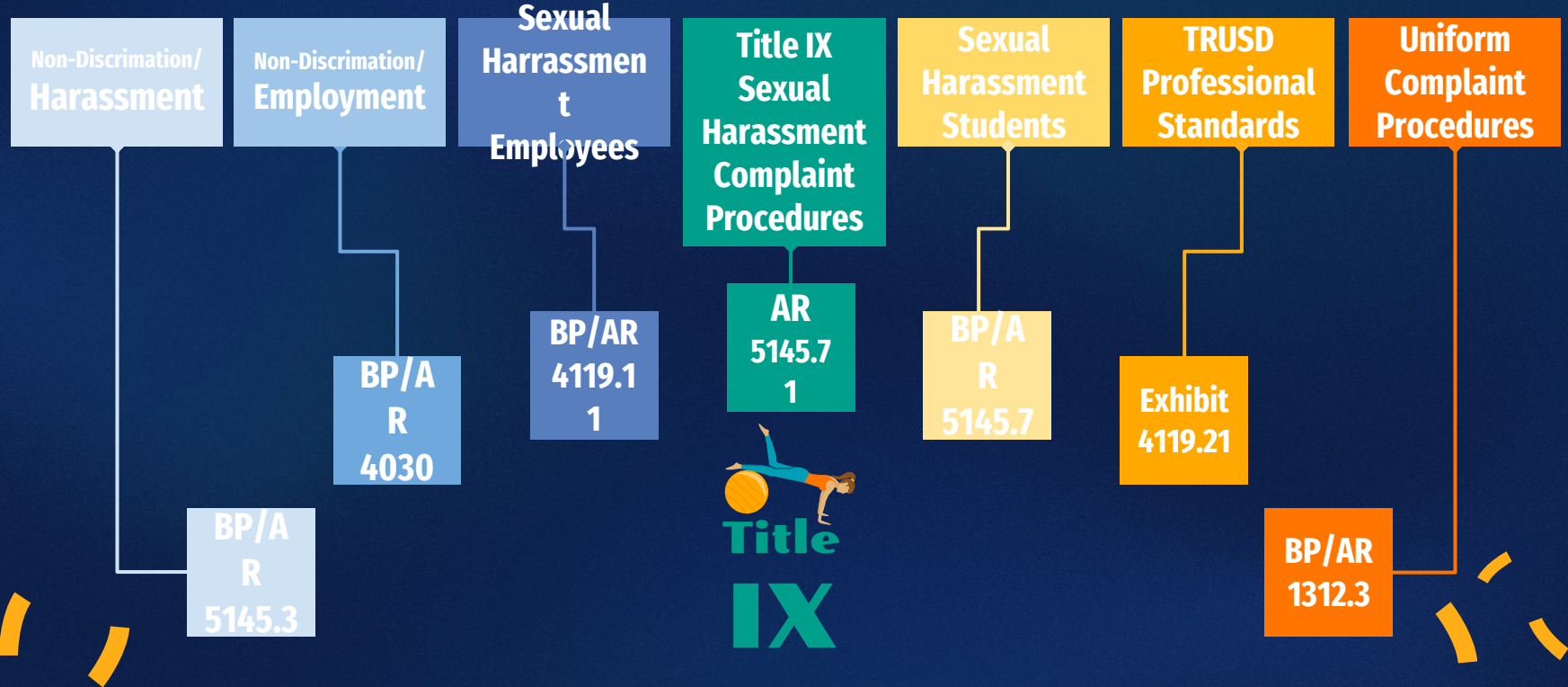


## ★ A Scenario to Consider ★

A student (complainant) reports that a classmate (respondent) has been flirting during PE class for weeks. The complainant explains that the respondent says they are “hot” and has repeatedly asked the complainant to “go out”. The complainant also says the respondent is posting pictures of the complainant on Instagram with captions saying it is “just a matter of time” before they “hook up.” The complainant reports that all the pictures were taken without permission. The complainant tells you they hate coming to class and they feel sick to the stomach during PE.



# TRUSD Policies and Regulations



# TRUSD Policies Work Together

## Non-discrimination / Harassment BP 5145.3

The Board prohibits, at any district school or school activity, **unlawful discrimination**, including discriminatory harassment, intimidation, and bullying, **targeted at any student by anyone, based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information**, or association with a person or group with one or more of these actual or perceived characteristics.

## Sexual Harassment Students BP 5145.7

The Board of Trustees is committed to maintaining a safe school environment for sexual orientation, gender expression, and gender identity that is free from harassment and discrimination. The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment or discrimination at school or at school-sponsored or school related activities.

## Title IX Sexual Harassment Complaint Procedures BP 5145.71

The district does not discriminate on the basis of sex in any of its programs or activities, and it complies with Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulations (34 C.F.R. Part 106). The district is committed to maintaining an educational and workplace environment free from sexual harassment.



# Sexual Harassment Students BP 5145.7

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual's body or overly personal conversation
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion
12. Electronic communications containing comments, words, or images described above



# Title IX Sexual Harassment ~ One or More...

1. Quid Pro Quo ~ “This for That”

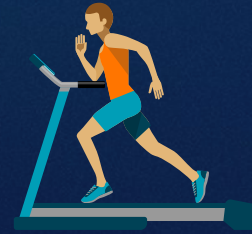
2. Unwelcome conduct determined by a reasonable person to be so **severe, pervasive, and objectively offensive** that it effectively denies a person equal access to the district’s education program or activity

3. Sexual Assault

4. Dating Violence

5. Domestic Violence

6. Stalking



Reports of sexual harassment not covered by the definition of Title IX Sexual Harassment will be addressed in accordance with AR 4030, **Nondiscrimination in Employment**, or AR 1312.3, **Uniform Complaint Procedure**, as applicable. The determination of whether the allegations meet the definition of Title IX Sexual Harassment under Title IX will be made by the district’s Title IX Coordinator.

## ✦ Severe, Pervasive, Objectively Offensive? ✦

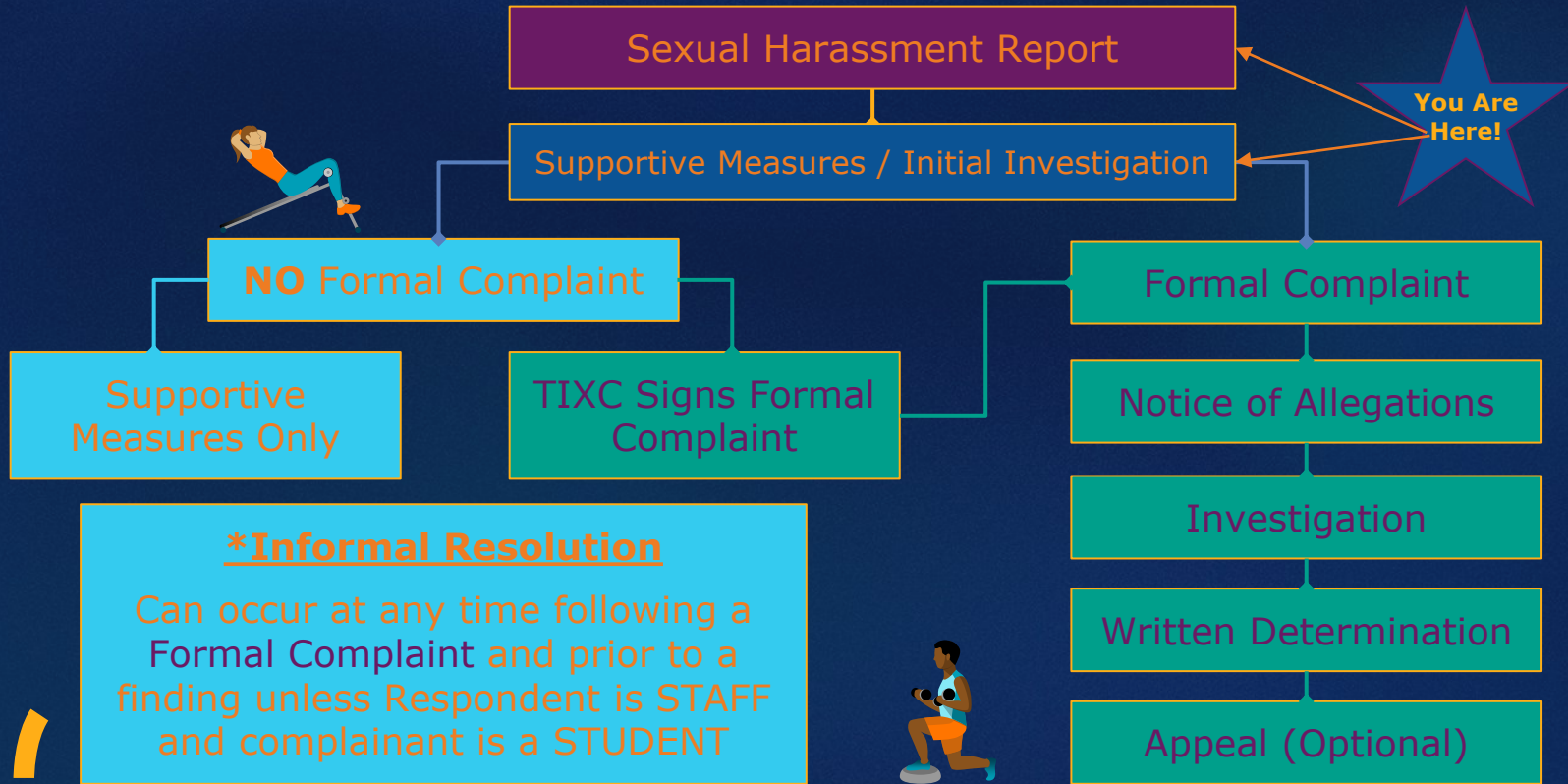
A student (complainant) reports that a classmate (respondent) has been flirting during PE class for weeks. The complainant explains that the respondent says they are “hot” and has repeatedly asked the complainant to “go out”. The complainant also says the respondent is posting pictures on Instagram with captions saying it is “just a matter of time” before they “hook up.” The complainant reports that all the pictures were taken without permission. The complainant tells you they hate coming to class and they feel sick to the stomach during PE.

# It Depends! An Investigation is Needed

A student (complainant) reports that a classmate (respondent) has been flirting during PE class for weeks. The complainant explains that the respondent says they are “hot” and has repeatedly asked the complainant to “go out”. The complainant also says the respondent is posting pictures on Instagram with captions saying it is “just a matter of time” before they “hook up.” The complainant reports that all the pictures were taken without permission. The complainant tells you they hate coming to class and they feel sick to their stomach during PE.

Severe	for weeks; repeatedly; hate coming to class; sick to their stomach
Pervasive	posting pictures on Instagram
Objectively Offensive	captions; pictures taken without permission

# ★ Title IX Process ~ 120± Days ★



# Physical Education

Prevention &  
**REPORTING**





# “Actual Knowledge”

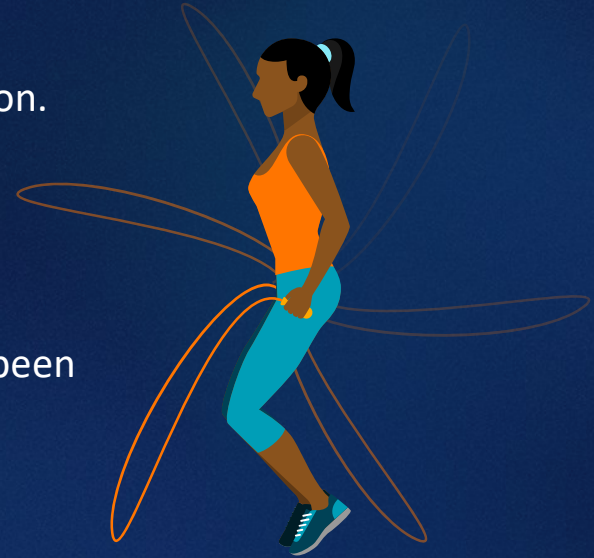


When  
you  
know... you  
KNOW!

- 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**.

# Reporting

- Inform your administrator.
- “Actual Knowledge” of sexual discrimination = quick action.
- Document the details: who, what, when, where, why.
- What security cameras might help?
- Keep confidentiality during the process.
- Do not tell students/families it is Title IX unless that has been identified by Title IX Coordinator.
- If you suspect child abuse, you must report to CPS.
- Be prepared to provide Supportive Measures.



# “Supportive Measures”

“[Supportive] measures will be non-disciplinary, non-punitive, and designed to restore or preserve equal access to the district’s education program and activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district’s educational environment or to deter sexual harassment.” ~ AR 5145.71

**Counseling**

**Deadline Extensions**

**Other Course-related adjustments**

**Care Solace Referral**

**Campus Escorts**

**Mutual Contact Restrictions**

**Increased Monitoring / Security**

**Other Similar Measures**



# ★ Title IX ~ No Immediate Sanctions ★

## Sexual Harassment Students BP 5145.7



Upon investigation of a sexual harassment or discrimination complaint, **any student found to have engaged in sexual harassment** or sexual violence in violation of this policy **shall be subject to disciplinary action**. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

## Title IX Sexual Harassment 5145.71



**The district shall not impose any disciplinary sanctions** or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," **until the formal complaint process has been completed** and a determination of responsibility has been made. (34 CFR 106.44)

## ★ Prevention ★

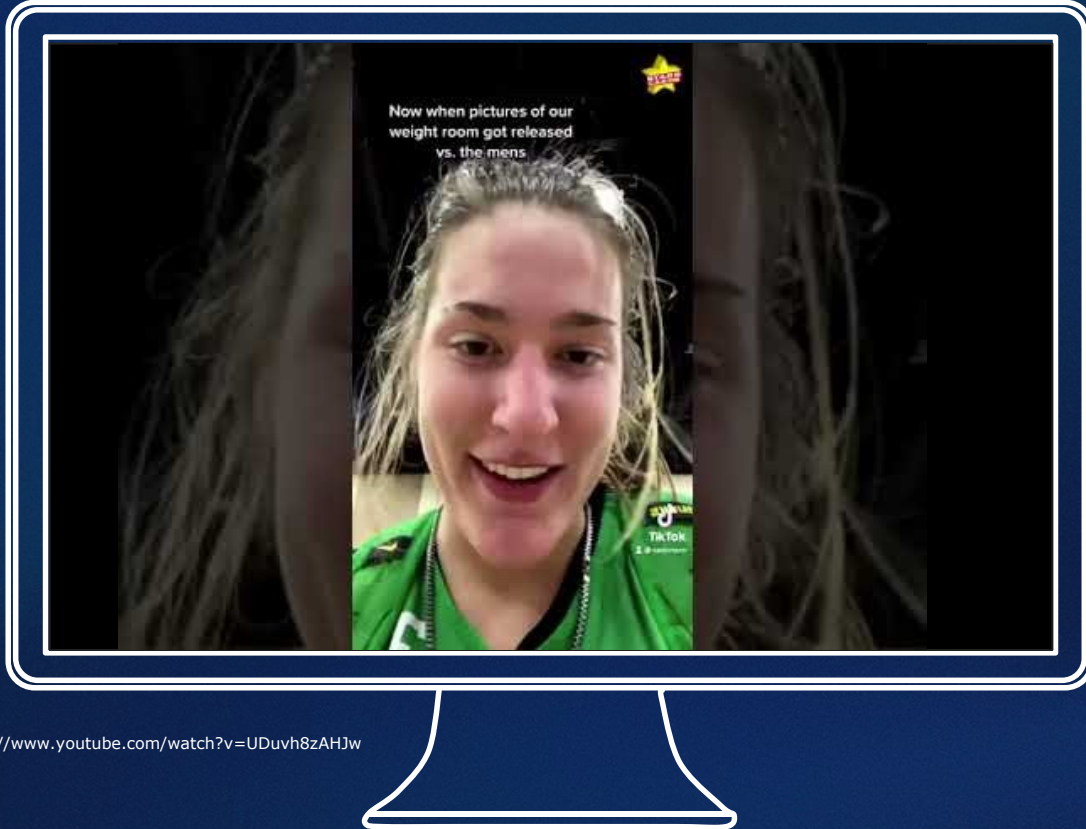
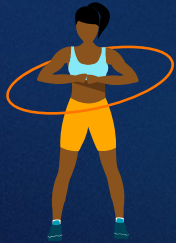
“We will begin by learning how to tie our shoes... Get a blister in a big game, and you’re gonna suffer. Shoes come untied in a close game...well, that just never happens here.”

~ John  
Wooden

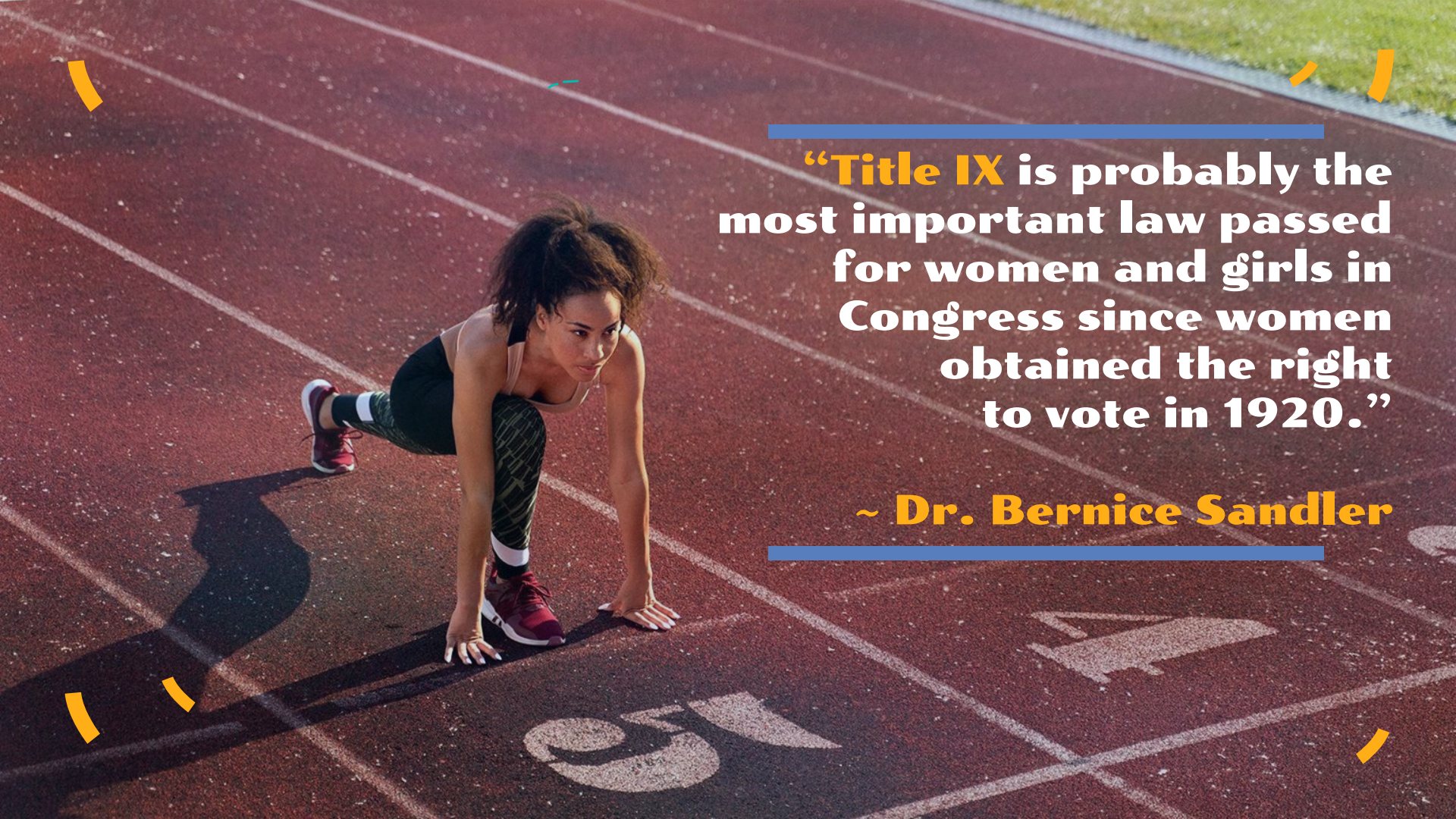
- Be visible and observant
- Walk your learning environment and identify potential risks
- Look for warning signs: isolation, changes in attitudes/attendance
- Trust your instincts, and verify with vigilance



# ★ Disparities Still Exist ★



<https://www.youtube.com/watch?v=UDuvh8zAHJw>

A woman with dark hair tied back, wearing a black and white athletic top, black leggings with a green pattern, and red sneakers, is in a starting crouch on a red running track. She is looking forward with a determined expression. The track has white lane markings and a large white number '9' on the ground. The background shows a grassy area and a blue curb. The image is decorated with yellow curved lines in the corners and blue horizontal lines above and below the text.

**“Title IX** is probably the most important law passed for women and girls in Congress since women obtained the right to vote in 1920.”

**~ Dr. Bernice Sandler**

# Thank You!

Will Pope  
Human Resources Director Title IX and Compliance



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