Objectives

What is Title IX?
Origins, evolution, current law

TRUSD
Title IX policies and regulations

Example Scenario
Investigators’ Role
What does it mean to you?
Title IX
An evolving law about EQUITY
“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.”
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.

Title IX Turns 50!
Title IX Impacts

https://youtu.be/NdgN6BZpw0
Title IX: Unexpected Advocacy

We've been silent for seventy years about the unfair treatment of women athletes, Chuck.

But now that unfair treatment is causing an uproar?

Unfair!!

We women aren't gonna keep quiet any more, Chuck! No, sir!

We're recruiting all kinds of people to help us achieve equal opportunity in athletics.

Look who's just joined our ranks, going to do?

Speak out!!

I have a vision, Chuck... I can see the day coming when women will have the same opportunities in sports as men!

Speaking of sports, I've been thinking about switching teams next season...

You wouldn't happen to be looking for another pitcher, would you?

You're not good enough, Chuck!
<table>
<thead>
<tr>
<th>Year</th>
<th>Girls in High School Sports</th>
<th>Percentage of High School Athletes Were Girls</th>
<th>Female Athletes at the College Level</th>
<th>Percentage of College Athletes Were Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>1972</td>
<td>294,015</td>
<td>7%</td>
<td>29,977</td>
<td>15%</td>
</tr>
<tr>
<td>2018-2021</td>
<td>3,402,733</td>
<td>43%</td>
<td>215,486</td>
<td>44%</td>
</tr>
</tbody>
</table>

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

“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

“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

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

~ Beth Brooke-Marciniak
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 8:59pm

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, Alleges 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

Federal Laws
- U.S. Constitution and Acts of Congress

State Laws
- State Constitutions and State Laws

Local Laws and Policies
- City and County Ordinances
  (Includes School Board Policies)

- Apply to everyone in the United States
- Citizens, residents and visitors in that particular state
- Citizens, residents and visitors in a region or locality
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.

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.

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
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.
Scenario
An Investigators’ ROLE
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.
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

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<th>Severe</th>
<th>for weeks; repeatedly; hate coming to class; sick to their stomach</th>
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<tr>
<td>Pervasive</td>
<td>posting pictures on Instagram</td>
</tr>
<tr>
<td>Objectively Offensive</td>
<td>captions; pictures taken without permission</td>
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Title IX Process ~ 120± Days

1. **Sexual Harassment Report**
2. **Supportive Measures / Initial Investigation**
   - **NO Formal Complaint**
     - Supportive Measures Only
   - **TIXC Signs Formal Complaint**
     - **Formal Complaint**
6. **Notice of Allegations**
7. **Investigation**
8. **Written Determination**
9. **Appeal (Optional)**

*AInformal Resolution*
Can occur at any time following a Formal Complaint and prior to a finding unless Respondent is STAFF and complainant is a STUDENT.
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)
“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
- Campus Escorts
- Deadline Extensions
- Mutual Contact Restrictions
- Other Course-related adjustments
- Increased Monitoring / Security
- Care Solace Referral
- Other Similar Measures
• Meet with Title IX Coordinator
• Review the Allegations
• Co-create an Investigation Plan
  – Interviews
  – Collect videos and screenshots
  – Keep secure notes
• Communicate with the parties
• If you discover child abuse, you must report to CPS and TRPD
• Write a comprehensive Investigation Report
  – Cite your evidence
  – “How do you know” and “Tell me more about that”
“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
Q & A

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