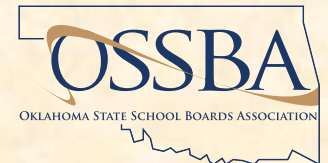


Title IX Sexual Harassment

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What is Title IX?

Prohibits Sex-based Discrimination

- Title IX is a federal law that prohibits discrimination based on sex, which includes sexual harassment.

Prohibits Sex-Based Discrimination

“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 educational program or activity receiving federal financial assistance.”

TITLE IX: 20 U.S.C. § 1681 & 34 C.F.R. PART 106 (1972)



Title IX Info

- Passed by U.S. Congress in 1972
- Applies to all public and private educational institutions that receive Federal Funds
- Applies to all school district operations, including academic, educational, extra-curricular, athletic and other programs of the school.

Issues Covered by Title IX

Sex discrimination

- Program equity
- Recruitment, Admissions and Access
- Pregnancy
- Athletics & extra-curriculars
- Employment, Recruitment & Hiring
- Course access & offerings
- Sex, gender, gender identity

Sexual harassment

- Sexual assault
- Sexual misconduct
- Bullying and cyberbullying
- Sexual violence
- Sexual intimidation
- Dating violence
- Sexual exploitation
- Retaliation

New Regulations

- The Office for Civil Rights, which enforces Title IX, released new Title IX regulations on May 6, 2020.

Changes

- The new regulations created many changes to the way schools must respond to allegations of sexual harassment, including:
 - When the school has notice (explained later)
 - The requirements of a formal, written complaint to investigate under Title IX
 - Only investigating allegations that occurred in a program or activity of the school district

Changes

- New due process procedures, including providing written notice before interviews and meetings
- Ability for students to have advisors during the process
- Allowing parties access to evidence and to review reports
- Allowing parties to submit written questions
- Written reports and outcome letters

What does this mean for you?



“Responsible” Employee

- All school district employees are “responsible employees” under the law, which means that:
 - If you know about the conduct, the school district knows about it; and
 - If you know about it, you must report it to the proper individual.

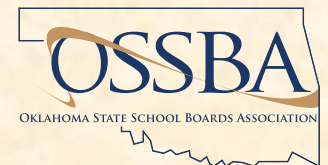
Other Responsibilities

- Know your district policies
- Know the definition of sexual harassment.
- Stop harassment to the extent you can.

Other Responsibilities

- Provide any information you have of the allegation or incident to the investigator.
- Implement any remedies determined necessary by the administration.
- In certain situation, you will have an obligation to report to the Department of Human Services.

Policies



District Policies

- Policy 1.38.1 – Discrimination, Harassment, Retaliation
- Policy 2.10.1 – Professional Conduct by Staff
- Policy 1.42 – Sexual Harassment of Students (undergoing revisions)
- Policy 1.38 – Sexual Harassment (Staff)

Sexual Harassment - Definition

Definition of Sexual Harassment

- Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

(1) Quid Pro quo

- (1) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct (i.e., *Quid Pro Quo*); or

(2) Hostile Environment

- (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 recipient's education program or activity (i.e., hostile environment); or

Severe

- “The more severe the conduct, the less the need to show a repetitive series of incidents; this is particularly true if the harassment is physical.”
 - Non-consensual sexual contact or intercourse almost always sufficiently severe.
 - Was it conduct accompanied by threats of violence?

Persistent

- Frequency of conduct (Is it repetitive?)
- Intensity of the conduct
- Continues despite requests to stop

Pervasive

- Pattern or practice
- Widespread
- Well-known among students and employees (Source – ATIXA: PreK-12 Title IX Course)
- Occurring in public spaces

Objectively Offensive

- To determine whether conduct is objectively offensive, many factors may be considered, including:
 - Age and relationships of the claimant and respondent;
 - Number of persons involved
 - Frequency
 - Severity
 - Humiliation
 - Intimidation
 - Abuse
 - Etc.

(3) Sexual Assault, dating violence, domestic violence, or stalking

- (3) “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

Sexual Assault

- Sexual assault: An offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Crime Reporting System:
 - Rape:
 - Fondling:
 - Incest:
 - Statutory rape:

Domestic violence

- A felony or misdemeanor crime of violence committed by:
 - a current or former spouse or intimate partner of the victim,
 - a person with whom the victim shares a child,
 - a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner,
 - a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
 - any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Dating Violence

- Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Must consider the following factors:
 - The length of the relationship,
 - The type of relationship,
 - The frequency of interaction between the persons involved in the relationship.

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

Stalking

- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - (1) Fear for the person's safety or the safety of others, or
 - (2) Suffer substantial emotional distress.

To whom do you report?



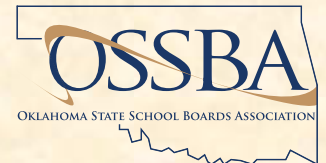
- Title IX Coordinator
 - Tony Sappington, Assistant Superintendent
 - tony.sappington@oologah.k12.ok.us
 - 918-443-6080

- Building Principal or Assistant Principal

Other Reporting Obligations

- You may have an obligation to report to the Department of Human Services. We will discuss that soon.

What must you do after a report?



Responsibilities After a Report

- Implement supportive measures:
 - New seating assignments
 - Increased monitoring
 - Stay-away agreements
 - Schedule changes
 - Visits to the counselor
 - Etc.

Cooperate with Investigation

- An investigation may be conducted by school officials and possibly law enforcement.
 - Tell them what you know.
 - Provide any evidence that you have.

Prevent Continuation of Conduct

- To the extent you can, you should ensure that the conduct does not continue.
 - Example: if the conduct was occurring in your class or your monitoring station, ensure that it does not continue.

Implement Remedies

- Remedies/consequences in accordance with the Code of Conduct.