

CISD COPPELL ISD
you matter

Title IX Training

What do you know about Title IX?



Training Agenda

- What is Title IX?
- What is “Sexual Harassment” under new Title IX regulations?
- How must a District respond to Sexual Harassment?
- Student and Employee Discipline
- Record-Keeping Obligations



What is Title IX?

The Title IX of the Education Amendments of 1972:

“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.**”

Administrative Enforcement – OCR



- Title IX is enforced by U.S. Department of Education’s Office of Civil Rights (OCR)
 - OCR promulgates regulations and issues guidance on Title IX.
 - OCR can investigate alleged violations.

What is Title IX?

Our first and foremost concern is the safety and welfare of our students and staff. We must investigate all allegations of misconduct against certified educators and school employees here in Coppell ISD.

Title IX compliance is a shared responsibility of an entire district and every member of our staff. Title IX protects students, employees and applicants for employment, and other persons from all forms of sex discrimination, including discrimination based on gender identity or failure to address stereotypical notions of masculinity or femininity. All students and staff within institutions that receive federal funds are protected by Title IX regardless of their sex, sexual orientation, gender identity, disability, race, or national origin- in all aspects of the educational environment.



A Little Title IX History

- Title IX was enacted in 1972
- The Department of Health Education and Welfare issued Title IX regulations in 1975
- OCR was created in 1980
- In 1997 OCR began to address sexual harassment through a series of non-binding guidance documents



A Little More Title IX History

- In 2001 OCR issued "Revised Sexual Harassment Guidance"
- In 2017 OCR issued a Q&A on Campus Sexual Misconduct
- In 2020 OCR issued Title IX Regulations on Sexual Harassment
- In May of 2020, OCR released its final rule amending Title IX regulations
- Rule goes into effect on August 14, 2020
 - Before this amendment, Title IX regulations did not refer to sexual harassment
 - Federal courts established the definitions and standards used in litigation
 - OCR set out standards for administrative liability through nonbinding letters and guidance



Discrimination Generally

State and federal law, as well as Board Policy, prohibit discrimination, including harassment, against students or employees on the basis of:

- Race, color, national origin
- Sex or gender
- Religion
- Age
- Disability
- Sexual Assault or Misconduct
- Teasing or Bullying/Cyberbullying because of gender or gender identity

Discrimination complaints are handled under Board Policy:

- DIA(Local) for Employees
- FFH(Local) for Students

Policy & Notice

Districts must provide notice of its nondiscrimination policy and grievance procedures, including how to file or report sexual harassment and how the ISD will respond.

Our notice is in the student handbook, staff handbook and on our District website at www.coppellisd.com.

The Title IX Coordinator's information is listed in policy, online and within this training:



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Director of Student and Staff Services

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In your group can you name the different types of sexual harassment?



The Definition of Sexual Harassment has Changed

The new regulations provide that there are only 3 categories that could constitute sexual harassment under Title IX.



Definition of Sexual Harassment

34 CFR 106.30(a)

Three Types of Sexual Harassment:

1. Quid Pro Quo
2. Hostile Environment
3. A type of Sexual Violence defined by federal law:
 - Sexual Assault
 - Dating Violence
 - Domestic Violence
 - Stalking





Quid Pro Quo

- **When an employee conditions favorable treatment on the acceptance of unwelcome sexual attention.**
- **This definition applies only to actions of employees.**
 - **Example: a teacher offers good grades to a student**



Hostile Environment

- **Conduct that is so severe, pervasive and objectively offensive that it effectively denies a person equal access to the program.**
- **This could be student-to-student conduct, employee-to-student conduct, or employee-to-employee conduct.**

Examples:

- **Sexual advances**
- **Touching intimate body parts or coercing physical contact that is sexual in nature**
- **Jokes or conversations of a sexual nature**
- **Other sexually motivated conduct, contact, or communications including electronic communication.**



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 recipient's education program or activity.
 - Example: quid pro quo, hostile environment, sexual assault, dating violence, domestic violence, stalking.



Prohibited Harassment DIA(Local)

Sex-Based Harassment of an Employee

A form of sex discrimination defined as unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or non-verbal conduct; or other conduct or communication of a sexual nature when:

1. Submission to the conduct is either explicitly or implicitly a condition of an employee's employment, or when submission to or rejection of the conduct is the basis for an employment action affecting the employee; or
2. The conduct is so severe, persistent or pervasive that it has the purpose or effect of unreasonable interfering with the employee's work performance or creates an intimidating, threatening, hostile, or offensive work environment.



Prohibited Harassment FFH(Local)

Sex-Based Harassment by an Employee

Sexual harassment of a student by an employee includes both welcome and unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. A District employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or
2. The conduct is so severe, persistent or pervasive that it:
 1. Affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or
 2. Creates an intimidating, hostile, or abusive educational environment.



Prohibited Harassment FFH(Local)

Sexual Harassment by Others

Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it:

1. Affects the student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment.
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.



Duty to Respond to Sexual Harassment- Actual Knowledge

- District is required to act when it has “actual knowledge” (not “knows or reasonable should know”).”
- “Actual Knowledge” threshold is met when notice or allegations of sexual harassment are reported to:
 - Any district official who has the authority to institute corrective measures on behalf of the district, or
 - Any employee of an elementary or secondary school, or
 - When an employee personally observes conduct that could constitute sexual harassment.



Retaliation Prohibited

- Against a student alleged to have experienced discrimination of harassment including dating violence.
- Against another student who, in good faith, makes a report of harassment or discrimination, files a complaint of harassment or discrimination, serves as a witness, or participates in an investigation.
- Against a student who refuses to participate in any manner in an investigation under Title IX.

Examples:

- Threats
- Assault
- Destruction of property
- Unjustified punishments
- Unwarranted grade reductions
- Ostracism
- Intimidation
- Rumor spreading
- Coercion

Note: Unlawful retaliation does not include petty slights or annoyances



Response to Sexual Harassment- Other Issues

- Sexual harassment that occurs off campus and does not occur in an education program or activity of the district is not covered under Title IX.
- Title IX no longer applies to acts committed outside of the United States, even if the misconduct occurred in a district's education program or activity.
- Other policies may apply that would require a response.



What Roles are within the Title IX process?

- Title IX Coordinator
- Investigator
- Decision Maker
- Facilitator
- Appeals Decision Maker



What is the Title IX Coordinator's role?

- Coordinates the District's compliance efforts.
- May investigate complaints, but may not be the “decision maker.”
- Named in District publications and on website for contact information.
- A District must notify all potential reporters of the Title IX Coordinator's contact information.
- The Coordinator has specific responsibilities and authority in the report and formal complaint process.



What is my role as an employee?

- ALL employees are potential reporters and must report situations.
- Keeping our students safe is a joint effort and commitment among staff.
- YOU must report any situation where you have “actual knowledge” of prohibited behavior.
- YOU must report any allegations of prohibited behavior that have been communicated to you by a student, parent or staff member.



What is the District's role?

- **Staff training**
- **To keep every student safe**
- **To investigate the allegations promptly**
- **To report allegations to the appropriate entity**
- **To provide supportive measures to the accuser and accused**



What are Supportive Measures?

Non-disciplinary, non-punitive individualized services offered to Complainant or Respondent at no charge designed to “restore or preserve equal access to...the education program or activity without unreasonable burdening the other party” whether or not a formal complaint is filed.

Examples:

- Counseling
- Mutual restrictions on contact (Safety Contract)
- Modification of schedule
- Campus escort services – proximity support



Reporting

Any person may report. Not just the alleged victim.

- Can be verbal or written.
- Can be made by mail, by telephone, by email and at any time (business or non-business hours to the Title IX Coordinator or any employee.
- Title IX Coordinator may also receive report from any employee who observes or receives notice of sexual harassment or alleged sexual harassment.
- All employees need to know the designated person to who they should turn over sexual harassment allegations. Employee reporting requirement does not replace the requirement to report child abuse to law enforcement and/or CPS.

Example: Staff can report to their supervisor, Campus Principal or the Title IX Coordinator



Respond to a “Report”

The Title IX Coordinator must promptly contact a complainant to discuss:

1. The report
2. Supportive measures
3. Process to file Formal Complaint
4. Initial determination of whether allegations, if assumed true, meet the definition of sexual harassment.



Campus or Department Response to a “Report”

The Title IX Coordinator must promptly be notified for further guidance.

The campus administrator or department supervisor will contact the student or staff member to begin the investigation process.

The District Title IX Investigation Forms must be used to guide this process.



Confidentiality

The Office for Civil Rights (OCR) strongly supports a student's interest in confidentiality in cases involving sexual violence.

- District may override a student's request for confidentiality in order to meet its Title IX obligations
- District should take requests for confidentiality seriously, while at the same time considering its responsibility to provide a safe and nondiscriminatory environment for all students, including the student that reported the misconduct.
- If appropriate, a district may pursue disciplinary action that may require disclosure of the student's identity to the alleged perpetrator.
- District should inform the student prior to disclosure of the process and intent or need to disclose.



What Happens Next?

The Title IX Coordinator will guide the next steps.

1. Provide notice: Notify parents of any student alleged to have experienced prohibited conduct by another individual. Notify person of the allegations and details known with enough time for a response. Explain the District's Title IX formal complaint process including any informal resolution process.
2. Discuss supportive measures or interim actions that need to occur.
3. Title IX Coordinator will assign roles: investigator, decision-maker, facilitator
4. Ensure that the process meets the guidelines
5. Ensure that the District complies with the proper Title IX regulations



Records Retention

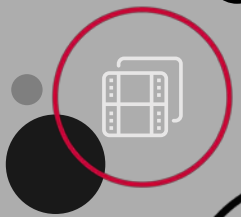
A district must maintain for a period of seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, any remedies provided to the complainant;
2. Any appeal and the result;
3. Any informal resolution and the result;
4. “All materials” used to train Title IX Coordinators, investigators, decision-makers, and facilitators.

Note: A district must make training materials publicly available on the website

Questions





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