

# Title IX – An Overview

---

**Dean's Meeting  
October 23, 2024**



# Scope of Training/Training Topics

---

History of Title IX

Definition of Sexual  
Harassment





Scope of the District's  
Education Program or Activity

SJCSD Procedures &  
Expectations

# Learning Objectives

---

Participants in today's learning session will:

- ☐ Gain a basic understanding of Title IX regulations and scope of the law. 
- ☐ Know and understand key Title IX vocabulary. 
- ☐ Be able to identify Title IX “look fors”. 
- ☐ Know what to do if a potential Title IX violation happens on campus. 

# What is Title IX?

---

- Title IX is a gender equity law
- Enacted as a follow-up to the passage of the Civil Rights Act of 1964
- Title IX seeks to remedy the inequities sexual harassment and sex discrimination create



# Title IX of the Education Amendments Act of 1972

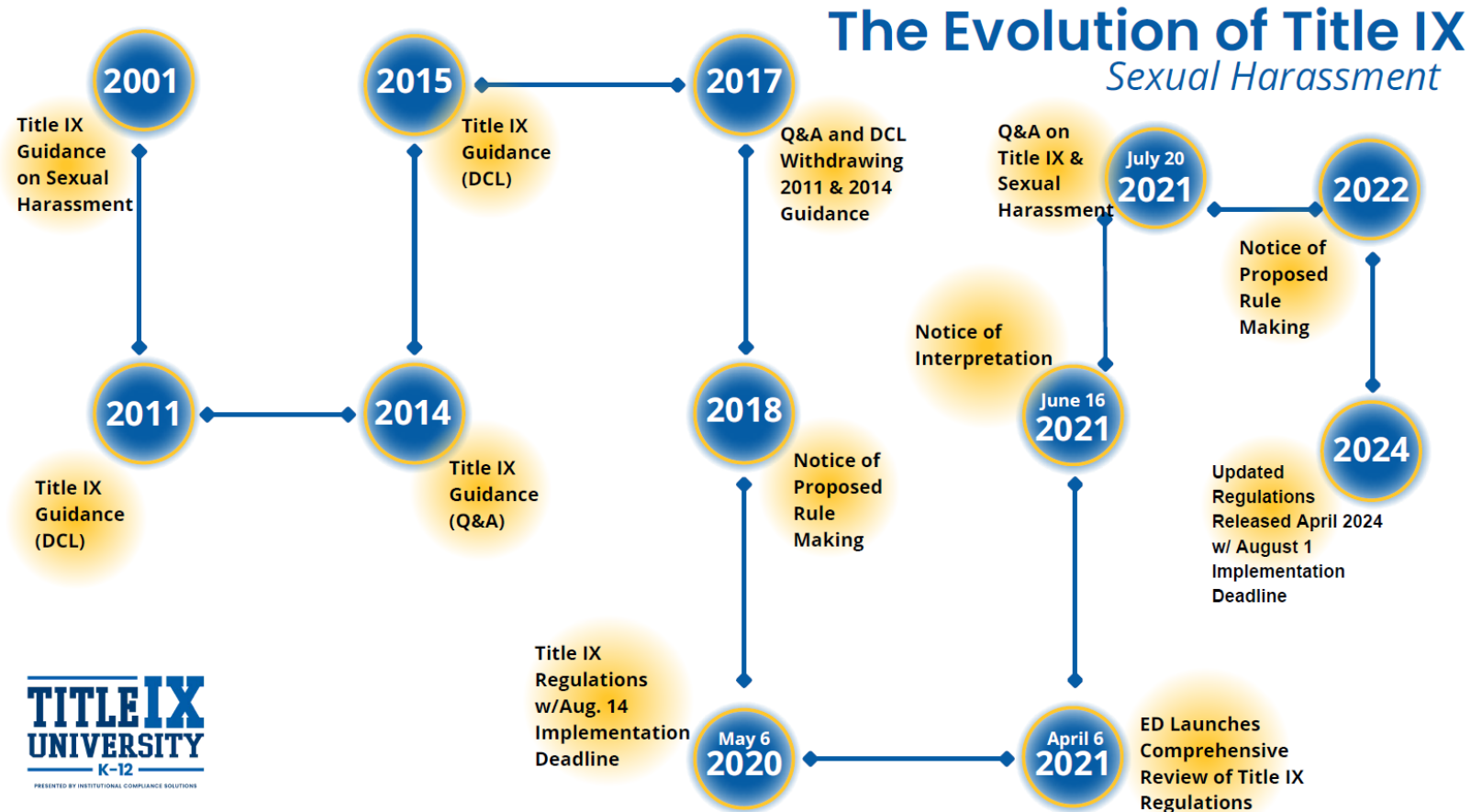
“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance.”



# History of Title IX



# History of Title IX



© Institutional Compliance Solutions 2024 All Rights Reserved



# 2024 Regulations

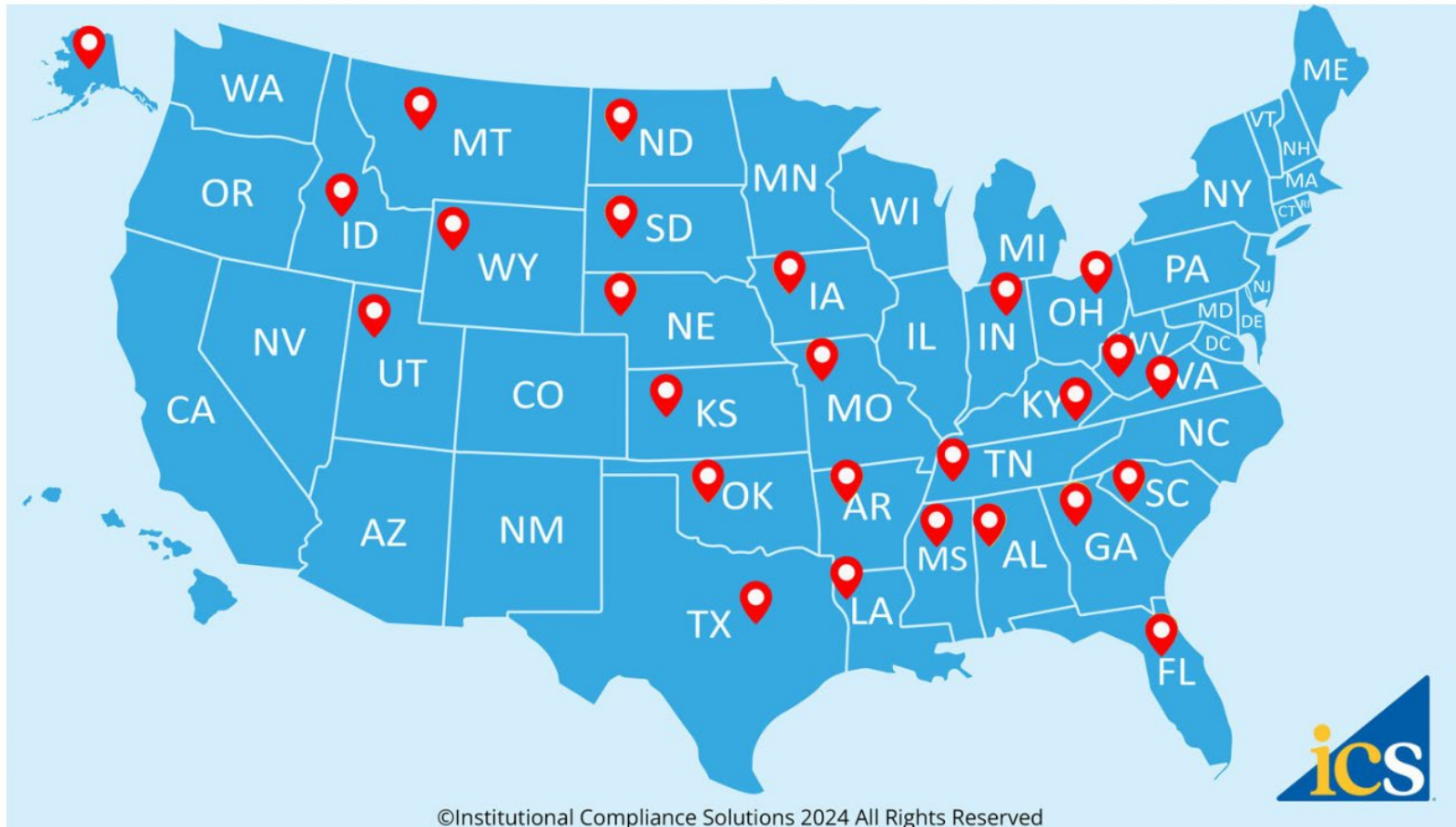
---

- Expands sex discrimination to include sexual orientation and gender identity
- Changes the standard for sex-based harassment
- Increases schools' responsibilities in responding to complaints
- Expands scope of “educational program” to include conduct off campus and outside of the U.S.

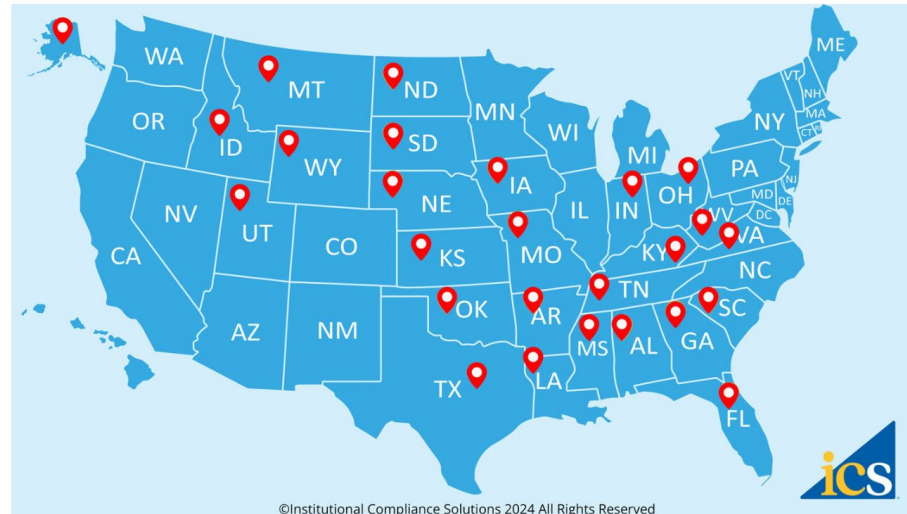


# 2024 Regs - Litigation Challenges

---



**the 2020 Title IX Regulations.**



# Definition of Sexual Harassment

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

- (1) Conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
- (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; or
- (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).



# Definition of Sexual Harassment

## Title IX

Conduct on the basis of sex that satisfies **one or more of the following**:

- (1) Conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
- (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; or
- (3) "Sexual assault", "dating violence", "domestic violence", or "stalking" as defined by U.S. Code.

## SJCSD Code of Conduct

Any unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal, non-verbal, or physical conduct of a sexual nature.



# Examples of Sexual Harassment

- Prohibited sexual harassment includes, but is not limited to, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature when:
  - Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, participation, or progress.
  - Submission to or rejection of the conduct by an individual is used as the basis for employment or academic or programmatic decisions affecting the individual.
  - The conduct has the purpose or effect of having a negative impact on the individual's academic performance or employment, unreasonably interfering with the individual's education or employment, or creating an intimidating, hostile, or offensive educational or employment environment.
  - Submission to or rejection of the conduct by the individual is used as the basis for any decision affecting the individual regarding any term or condition of employment, employment or academic benefits, or services, honors, programs, or activities available at or through the school.



# Examples of Sexual Harassment

- Graphic verbal comments about an individual's body or appearance.
- Sexual jokes, notes, stories, drawings, pictures or gestures.
- Sexual slurs, leering, threats, abusive words, derogatory comments or sexually degrading descriptions.
- Unwelcome sexual flirtations or propositions for sexual activity or unwelcome demands for sexual favors, including but not limited to repeated unwelcome requests for dates.
- Spreading sexual rumors.
- Touching an individual's body or clothes (including one's own) in a sexual way, including, but not limited to, grabbing, brushing against, patting, pinching, bumping, rubbing, kissing, and fondling.
- Cornering or blocking normal movements.
- Displaying sexually suggestive drawings, emails, pictures, written materials, and objects in the educational environment.



# What Does it Mean to be “Effectively Denied Equal Access?”

- US DOE examples (<https://www2.ed.gov/about/offices/list/ocr/docs/202107-qa-titleix.pdf>):

- An effective denial of equal access to educational opportunities may include skipping class to avoid a harasser, a decline in a student’s grade point average, or having difficulty concentrating in class.
- Examples of specific situations that likely constitute effective denial of equal access to educational opportunities also include “a third grader who starts bed-wetting or crying at night due to sexual harassment, or a high school wrestler who quits the team but carries on with other school activities following sexual harassment.”
- A complainant does not need to have “already suffered loss of education before being able to report sexual harassment.”
- Effective denial of equal access to education does not require “that a person’s total or entire educational access has been denied.”
- While these examples help illustrate an effective denial of access, “[n]o concrete injury is required” to prove an effective denial of equal access.
- Complainants do not need to have “dropped out of school, failed a class, had a panic attack, or otherwise reached a ‘breaking point’” or exhibited specific trauma symptoms to be effectively denied equal access.
- “School officials turning away a complainant by deciding the complainant was ‘not traumatized enough’ would be impermissible.”



## Other Important Definitions

---

- “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v):
  - The term “sexual assault” means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
- “Dating Violence” as defined in 34 U.S.C. 12291(a)(10):
  - The term “dating violence” means violence committed by a person-- **(A)** who is or has been in a social relationship of a romantic or intimate nature with the victim; and **(B)** where the existence of such a relationship shall be determined based on a consideration of the following factors: **(i)** The length of the relationship. **(ii)** The type of relationship. **(iii)** The frequency of interaction between the persons involved in the relationship.
- “Domestic Violence” as defined in 34 U.S.C. 12291(a)(8):
  - The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by 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.
- “Stalking” as defined in 34 U.S.C. 12291(a)(30):
  - The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to--**(A)** fear for his or her safety or the safety of others; or **(B)** suffer substantial emotional distress.



# Scope of Title IX

---

Employee ↔ Employee

Employee ↔ Student

Student ↔ Student



# Scope of Title IX

---

An individual must report under Title IX when the person has:

- **Actual Knowledge** of Sexual Harassment
- Occurring in an **Educational Setting**



# Actual Knowledge

---

When **any** school-based employee has knowledge of sexual harassment or allegations of sexual harassment, schools are obligated to respond.

- This includes food service employees, custodial staff, paraprofessionals, school clerks etc. **Any**.





# Educational Setting

---

“Educational setting” refers to any education program or activity, which refers to all operations of the District, including but not limited to, in-person and online educational instruction, employment, extracurricular activities, athletics, performances, and community engagement programs that occur on school grounds or other property owned or occupied by the Board. It also includes locations, events, and circumstances off school grounds where the Board exercises substantial control over both the Respondent and the context in which the sexual harassment occurs.



# Reporting Sexual Harassment

---



- Any person may report sexual harassment, regardless of whether the reporting person is the alleged victim of the conduct.
- A report can be made in person, by telephone, by mail, or by electronic mail to the Title IX Coordinator.
- **All employees with actual knowledge of sexual harassment are required to report sexual harassment.**
  - Failure to do so could lead to discipline up to and including termination of employment.



# Child Abuse Reporting Requirement

---

- If there is an actual or suspected case of child abuse, neglect, or abandonment, School Board employees have the responsibility to report to the state-wide central abuse hotline pursuant to Florida Statute §39.201.
- Also, report to law enforcement if there is an actual or suspected crime so that law enforcement may conduct a criminal investigation.



# Retaliation is Prohibited

---

- No school or other person may intimidate, threaten, coerce, or discriminate against any individual for the purposes of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation or proceeding.
- Complaints alleging retaliation may be filed according to the grievance process used for complaints of sexual harassment.
- If founded, retaliation can lead to the imposition of disciplinary sanctions.
- The exercise of rights protected under the 1<sup>st</sup> Amendment of the U.S. Constitution does not constitute retaliation. Charging an individual for making false statements in bad faith during a grievance proceeding shall not constitute retaliation.



# SJCSD Procedures

*What do I do if I  
receive a Title IX  
Complaint or  
suspect a violation?*



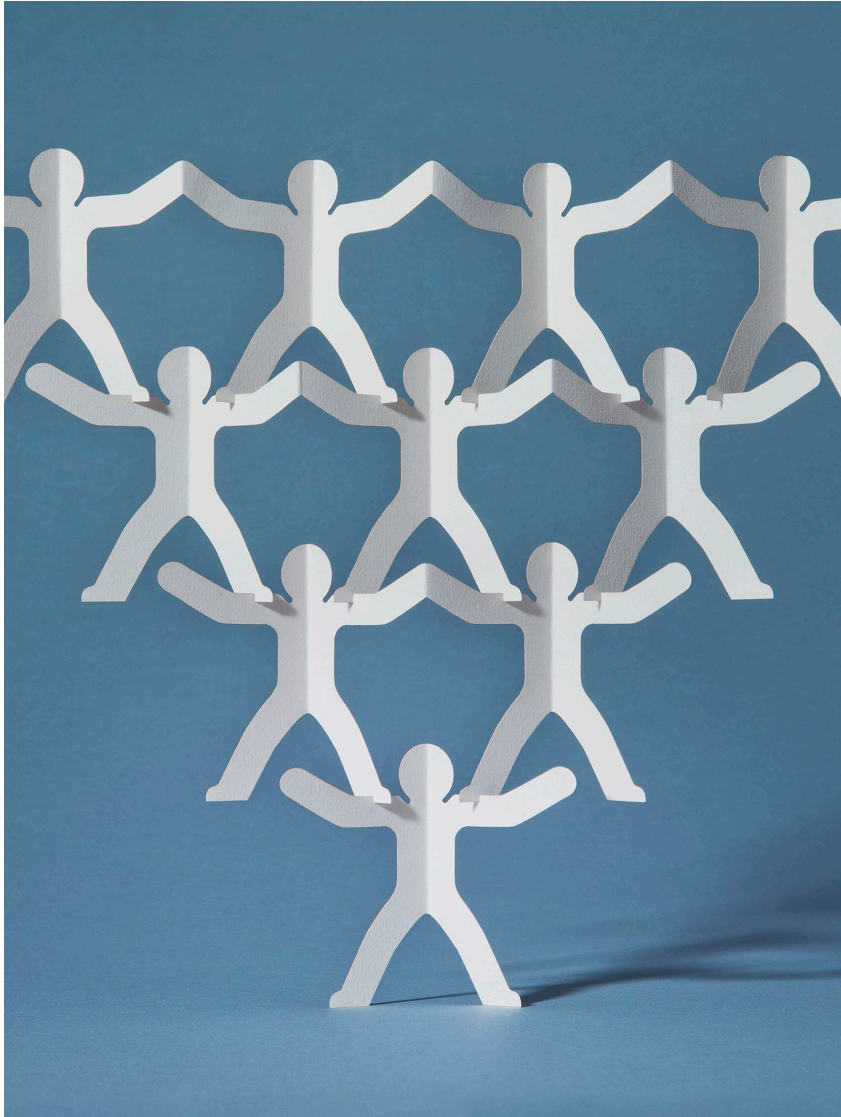
1. Assess the complaint/concern/issue and determine if TIX is relevant.



**\*Level IV Discipline Codes = SXO, SXA, SXH**

**(Student Code of Conduct, Level IV: O, P, Q)**

2. Contact your School Services Team (David Simpkins or Jessica Allee).
3. Share the Microsoft Forms link for Complaints via email.  
**If you have actual knowledge of or suspect a Title IX issue, complete the Title IX Complaint Form yourself, in addition to sending to the complainant.**
4. Determine if reporting to DCF is also necessary.  
**If you have actual knowledge of or suspect child abuse issue, file a DCF report.**
5. The HR, Equity, and Title IX teams will review form entries on a weekly basis and provide next steps as necessary.



# Title IX Roles

---

- Complainant
- Respondent
- Title IX Coordinator
- Investigator
  - Can be the same person as Title IX Coordinator
- Decision-Maker(s)
  - Cannot be the same person(s) as the Title IX Coordinator or the investigator
- Hearing Officer (Post Secondary – does not apply in K-12)
- Appeals Decision-Maker(s)
  - May not be the same person as the investigator, school-based Title IX Coordinator, or decision-maker who reached the initial determination of responsibility or dismissal.

# SJCSD Title IX Team

---

**Cynthia Preston**, *Senior Director for Innovation and Student Success, TIX Coordinator*

**Wayne King**, *Associate Superintendent*

**Parker Raimann**, *Director of Instructional Personnel*

**Ryan Player**, *Director on Non-Instructional Personnel*

**David Simpkins**, *Director for School Services*

**Jessica Allee**, *Coordinator for School Services*

**Darrell Sutherland**, *School Services Bullying & Harassment Prevention*

**Gene Bennett**, *ESE Program Specialist*

**Annie Raynor**, *Federal Programs Program Specialist*

**Primary Contact for Deans and BIs: David Simpkins and Jessica Allee**



# Closing – Key Points

---

- Title IX is a gender equity law that seeks to prevent and remedy sex-based discrimination that occurs at any institution receiving federal funds.
- Sex-based discrimination includes sexual harassment, sexual assault, dating violence, domestic violence, and stalking.
- Not all instances of sexual offenses rise to the level of Title IX.
- If you suspect a Title IX violation or concern, contact the School Services team.



# Additional Resources

---

- <https://sites.ed.gov/titleix/policy/>
  - [Title IX Final Rule](#)
  - Title IX Regulations Addressing Sexual Harassment (Unofficial Copy) [PDF](#) (6M)
  - Title IX: U.S. Department of Education Title IX Final Rule Overview [PDF](#) (553K)
  - Summary of Major Provisions of the Title IX Final Rule [PDF](#)
  - [Fact Sheet: Final Title IX Regulation](#)
  - [Questions and Answers Regarding the Department's Final Title IX Rule](#)
  - [OCR Webinar: Title IX Regulations Addressing Sexual Harassment](#) (Length: 01:11:29)
  - [The First Amendment and Title IX: An OCR Short Webinar](#)
  - [OCR Short Webinar on How to Report Sexual Harassment under Title IX](#)
  - [Conducting and Adjudicating Title IX Hearings: An OCR Training Webinar](#)
  - [OCR Webinar on Due Process Protections under the New Title IX Regulations](#)
  - [OCR Webinar on New Title IX Protections Against Sexual Assault](#)
  - OCR Blog: [Effective Date and Retroactivity](#)
  - OCR Blog: Live Hearings, Excluding Reliance on a Party's Statements, and Verbal Conduct
  - OCR Blog: [The Requirement to Update School Websites with Important Title IX Information](#)

# Additional Resources

---

- <https://www2.ed.gov/about/offices/list/ocr/docs/qa-titleix-20200904.pdf>
  - Questions and Answers Regarding the Department's Final Title IX Rule (September 2020)
- <https://www2.ed.gov/about/offices/list/ocr/docs/qa-titleix-part2-20210115.pdf>
  - Part 2: Questions and Answers Regarding the Department's Title IX Regulations (January 2021)
- <https://www2.ed.gov/about/offices/list/ocr/docs/202107-qa-titleix.pdf>
  - Questions and Answers on the Title IX Regulations on Sexual Harassment (July 2021)