Title IX and Sexual Harassment in K-12 Public Schools: Key Steps to Compliance

Presenter:
Davina S. Woods, Title IX Compliance Officer
What is Title IX?

- Title IX, section of the Education Amendments of 1972, prohibits sex discrimination in any federally funded educational program and includes all educational experiences the district offers, i.e. academics, athletics, and extracurricular activities.
Sexual Discrimination

Harassment directed at a student because of his or her gender identity or gender expression

- Not allowing any females to participate in math field day
  Ex. *Girls are no at math; they will bring our scores down.*

- Criticizing male students when they speak up in class
  Ex. *I find that boys disrupt class when I let them talk.*

- Making fun of a student’s gender identity
  Ex. *Ask him, he knows how girls feel about things.*
What is Sexual Harassment?

- Unwelcome sexual conduct that creates an intimidating, hostile, or abusive environment that is so severe it prevents a student from fully participating in an educational program or activity.
Sexual Violence

- Office Civil Rights (OCR) defines sexual violence as “physical sexual acts perpetrated against a person’s will or when a person is incapable of giving consent due to a person’s intellectual or other disability or the victim’s use of drugs and alcohol.

1 in 6 men experienced abusive sexual experiences before age 18.

(source: 1in6.org)

facebook.com/TraumaAndDissociation
TraumaAndDissociation.wordpress.com
#MALEsurvivor #MALEabuseAwareness #MAAW
Sexual Violence Contd’

The following acts fall into the category of sexual violence:

- Rape
- Sexual assault
- Sexual battery
- Sexual coercion
Requirements of the School District

- Take immediate action to end the harassment
- Prevent its reoccurrence
- Remediate its effects (i.e. counseling, support groups, etc)

A female student was raped off campus at birthday party? Should school administrators address the issue?

YES
Failure to Take Action

- Could result in civil liability for the school district under Title IX
- OCR Enforcement Action
- Removal of all federal funding

Please note: The OCR enforces Title IX through administrative complaints brought by students or legal compliance review.
Common Elements of Title IX

Grievance Procedures include:

- Notice to students, parents, and employees of the grievance procedures and how to file a complaint
- A statement that the procedures apply to complaints alleging harassment by employees, other students, or third parties
- Definitions of sex discrimination, sexual harassment, other prohibited conduct, and consent
- A promise of an adequate, reliable, and impartial investigation of complaints, including the opportunity for parties to present witnesses and other evidence
- Designated and reasonably prompt time frames to complete the major stages of the process (60 days)
- Notice to parties (or parents, if the students are minors) of the investigation’s outcome
- An assurance that the school will take steps to prevent recurrence of any harassment and correct any discriminatory effects on the complaining party an others
- A prohibition of retaliation (including intimidation, threats, coercion, or discrimination in any form, through any medium) along with information on how to report subsequent problems and how the district will investigate them
Common Elements of Title IX Grievance Procedures:

- Use of the preponderance of evidence standard (meaning it is more likely than not that harassment occurred) in determining whether a violation of the anti-discrimination policy occurred.
- The right of both parties to appeal the outcome of the investigation.

The district must conduct its own investigation promptly and reach a conclusion under its anti-harassment policy, imposing any disciplinary sanctions regardless of the criminal investigation.
9 Things to Know about Title IX

Title IX protects **ALL** people regardless of their sex.

All Schools must have a Title IX Coordinator.

Schools must take **IMMEDIATE** action to ensure a victim can continue their education free of ongoing sexual discrimination, violence, or harassment.

Schools must have an established procedure for handling Sexual Misconduct.

If your school fails to comply by these rules file a complaint with the U.S. Department of Education.

Schools may not retaliate against a victim filing a complaint.

In cases of sexual violence, schools are prohibited from resolving complaints through mediation.

Costs necessary for a victim to pursue his/her education such as counseling or housing changes should be provided by the school.

Schools are required to protect pregnant and parenting students from discrimination.
OCR Guidance

- Revised Sexual Harassment Guidance (2001)
- Sexual Harassment: It’s Not Academic (2008)
- DCL: Sexual Violence (2011)
- DCL: Retaliation (2013)
- Title IX Questions and Answers (2014)
- DCL: Charter Schools
- DCL: Title IX Coordinators
- Title IX Resource Guide

This guidance can be downloaded from the OCR website.
Hancock County School District
Davina S. Woods, Title IX Compliance Officer
Email: dwoods@hancock.k12.ga.us
706.444.5775 ext. 284 (Office)
706.444.7403
706.444.9348 (Fax)