

# IDAHO K-12 TITLE IX PROFESSIONAL LEARNING COMMUNITY #6

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# MEETINGS THROUGH JUNE

▶ 9 am MT/8 am PT – 60 mins

▶ Feb 11

▶ March 11

▶ April 8

▶ **May 6**

▶ **Note May date is on the  
1<sup>st</sup> Tuesday**

▶ June 10

# UPDATES

- ▶ ICS training through state
- ▶ Update on 2024 Regs

# CASE SCENARIOS

# WHAT'S COME UP FOR YOU?

# SCENARIO

- ▶ As a Title IX Coordinator:
  - ▶ What do you want to know about this situation?
  - ▶ How do you assess what to do next?
  - ▶ What role can the team coach play in handling this situation?

# IMPORTANT DEFINITIONS – 34 CFR 106.30

- ▶ **Actual knowledge** - Notice of sexual harassment or allegations there of to the TIX Coordinator OR to ANY employee of an elementary or secondary school
- ▶ **Formal Complaint** – A document filed by the complainant or signed by the TIXC alleging sexual harassment against a respondent requesting the school investigate
  - ▶ Complainant must be participating in or attempting to participate in an educational program or activity

# IMPORTANT DEFINITIONS – 34 CFR 106.30

- ▶ **Sexual Harassment** – conduct on the basis of sex that is:
  - ▶ Quid pro quo by an employee (conditioning of a benefit, help, etc. on participation in sexual contact); OR
  - ▶ Unwelcome conduct that is so severe, pervasive and objectively offensive that it effectively denies access; OR
  - ▶ Sexual assault – forcible or nonforcible sex offense; OR



# IMPORTANT DEFINITIONS – 34 CFR 106.30

- ▶ **Sexual Harassment** (con't)– conduct on the basis of sex that is:
  - ▶ Dating violence – violence committed within an intimate or romantic relationship; OR
  - ▶ Domestic violence - misdemeanor or felony crime; OR
  - ▶ Stalking – a course of conduct directed at a specific person that would cause a reasonable person fear for their safety or other's safety or to suffer substantial emotional distress.

# RESPONSE WITH OR WITHOUT FORMAL COMPLAINT – 34 CFR 106.44

- ▶ When you have **actual knowledge** of **sexual harassment** in an **education program or activity** – must respond in a way that is not deliberately indifferent
- ▶ You must:
  1. Treat complainants and respondents equitably
  2. Follow a 106.45 compliant grievance process **BEFORE** implementing disciplinary measures or other actions that are not supportive measures

# RESPONSE WITH OR WITHOUT FORMAL COMPLAINT – 34 CFR 106.44

Students - Emergency removal can only be done for sexual harassment on an emergency basis that:

1. Uses an individualized safety and risk analysis,
2. Determines an immediate threat from the allegations of sexual harassment that justify removal, and
3. Provides an opportunity of notice and to challenge the decision immediately

Cannot otherwise remove without engaging in compliant grievance process!

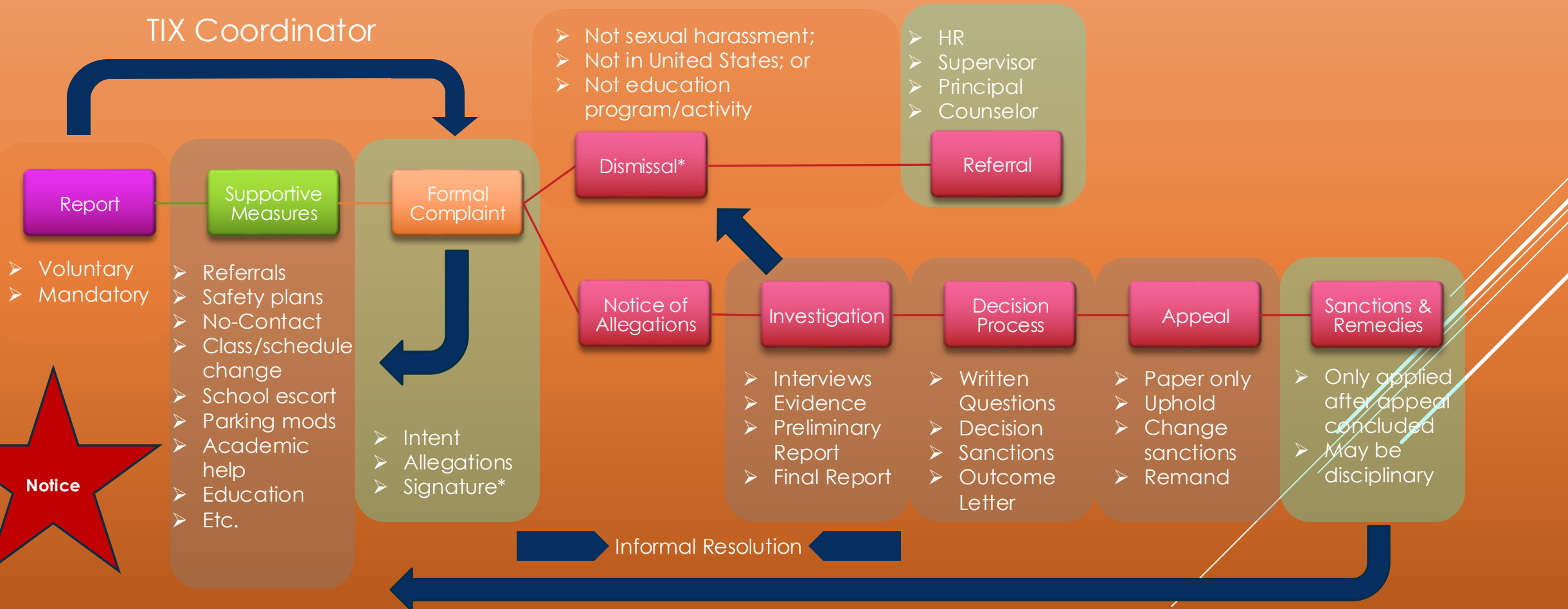
Staff – A non-student employee respondent can be placed on administrative leave pending a compliant grievance process.

# RESPONSE WITH OR WITHOUT FORMAL COMPLAINT – 34 CFR 106.44

- ▶ Title IX Coordinator should promptly contact the complainant to:
  - ▶ discuss the availability of supportive measures,
  - ▶ consider their wishes, and
  - ▶ explain the process for filing a formal complaint
- ▶ Document, document, document!

# TITLE IX FORMAL GRIEVANCE PROCESS – MUST PROVIDE FOR “PROMOTE AND EQUITABLE RESOLUTIONS OF STUDENT AND EMPLOYEE COMPLAINTS”

TIX Coordinator



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Slide courtesy of Danielle Charters– modified for K-12

# INFORMAL RESOLUTION

- ▶ **May** be offered after formal complaint and prior to any decision regarding responsibility
- ▶ Must provide to parties a written notice disclosing:
  - ▶ Allegations
  - ▶ Process requirements
  - ▶ When a party is precluded from resuming a formal complaint – right to withdraw from informal process
  - ▶ Consequences resulting from participating in process
- ▶ Must have voluntary written consent of parties

# INFORMAL RESOLUTION

- ▶ Informal resolution **cannot** be:
  - ▶ Required
  - ▶ Offered unless a formal complaint is filed
  - ▶ **Used to resolve allegations that an employee sexually harassed a student**

# INFORMAL RESOLUTION

- ▶ Considerations
  - ▶ Who does it?
  - ▶ What happens if IR fails?



# WHAT QUESTIONS OR CONCERNS HAVE ARISEN FOR YOU THIS MONTH?

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