New Title IX Regulations
An Overview

Title IX

“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.”

What do you think of when you hear “Title IX”?

New Definition of Sexual Harassment...

Conduct on the basis of sex meeting one of these conditions...

- Employee-student power differential (quid pro quo)
- Unwelcome Conduct determined by a reasonable person
- The Big Four (Clery Act/VAWA Definitions)
  - Severe
  - Pervasive
  - Objectively Offensive
  - effectively denies a student's ability to participate in or benefit from a JSD program/activity
  - Sexual Assault
  - Dating Violence
  - Domestic Violence
  - Stalking
**New Terminology**

NEW - Complainant | OLD - Victim
An individual alleged to be the victim of conduct that could constitute sexual harassment

NEW - Respondent | OLD - Alleged Perpetrator
An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment

Advisor
Both the complainant and respondent (the parties) must have the opportunity to select an advisor of the party’s choice who may be, but need not be, an attorney.

**Title IX Mandatory Response Obligations**

**Outreach to Complainant**

**Offer Supportive Measures**

**Inform How to File Formal Complaint**

**Respect Complainant Wishes**

**Notice = Actual Knowledge**

**Prompt Response NOT Deliberately Indifferent**

**A Formal Complaint is...**

A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment.

- Complainant participating or attempting to participate
- Document filed with the Title IX Coordinator
- Complainant’s physical or digital signature
- If Title IX Coordinator signs complaint, he/she is not a complainant or a party during the grievance process.

**Title IX Grievance Process - Distinct Roles**

- Title IX Coordinator (TIXC)
- School Deputy (DTIXC)
- Investigator
- Co-Investigator
- Decision-Maker
- Co-Decision-Maker
- Appeals Officer

**NOT TIXC or DTIXC Investigator**

**NOT TIXC or DTIXC Decision-Maker**
Notice Triggers Our Response Obligation

**NOTICE**
Responsibility Employee is made aware of Sex Discrimination or Sexual Harassment.

Employee shall report Sex Discrimination or Harassment to Principal and Title IX Coordinator (TIXC).

Title IX Process - Outreach to Complainant

1. TMC or Deputy assigns TIXC Contacts Complainant
   - Discuss available of supportive measures, with or without a formal complaint
   - Evaluate measures for their formal proposal
   - Consider the complainant’s wishes and request for supportive measures.

2. Complainant is asked to have supporter measures

Title IX Process - Initial Assessment

**INITIAL ASSESSMENT**

- Title IX Coordinator (or Deputy)
- Title IX Investigator(s)
- Title IX Decision-maker(s)
- Title IX Appeals Team

- Was the complaint in the US of the time of occurrence?
- Did the conduct occur a JHS campus or activity?
- Was the alleged conduct sexual harassment as defined in Title IX, 38 C.F.R.?
- Notice of potential complaint, complained personnel or attempting to contacts the complainant’s expression?

**DISMISSAL**

Title IX Process - Initial Assessment
Title IX Process - Appeal

Is there an appeal by either or both parties?

APPEAL

District Appeals Officer notifies both parties in writing that an appeal has been filed.

Appeals team convened to review procedural elements of the investigation and decision-making.

- Title IX Coordinator (or Deputy)
- Title IX Investigator(s)
- Title IX Decision-maker(s)
- Title IX Appeals Team

Thanks!

Any questions?
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