# New Title IX Regulations

## An Overview

# What do you think of when your hear "Title IX"?

# Title IX

**20 U.S.C. § 1681 & 34 C.F.R. Part 106 (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."



## 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 | Sexual Assault |
| | Pervasive | Dating Violence |
| | Objectively Offensive | Domestic Violence |
| | **effectively denies** a student's ability to participate in or benefit from a JSD program/activity | 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

**NOTICE = Actual Knowledge**

**Prompt Response**
**NOT Deliberately Indifferent**

- **Outreach to Complainant**
- **Offer Supportive Measures**
- **Inform How to File Formal Complaint**
- **Respect Complainant Wishes**

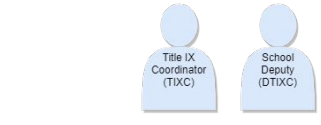
## A Formal Complaint is...

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




**NOT**
TIXC or DTIXC
Investigator

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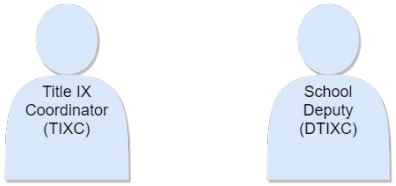
TIXC or DTIXC
Investigator
Decision-Maker

# Title IX Coordinator and School Deputies



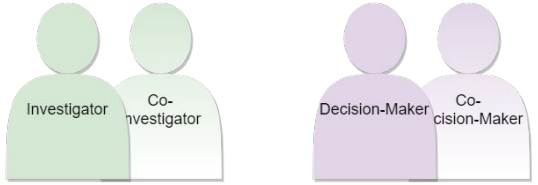

**Staff Assistant Administrator Equity & Compliance**
Stacy Evans

**Administrator Human Resources**
June LeMaster

**Principal**



# Title IX Investigators and Decision-Makers

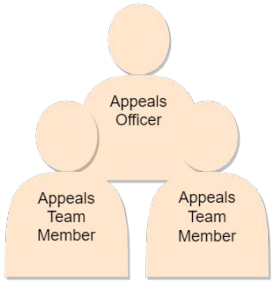



**Assistant Principal(s)**

**Administrator(s) of Schools**



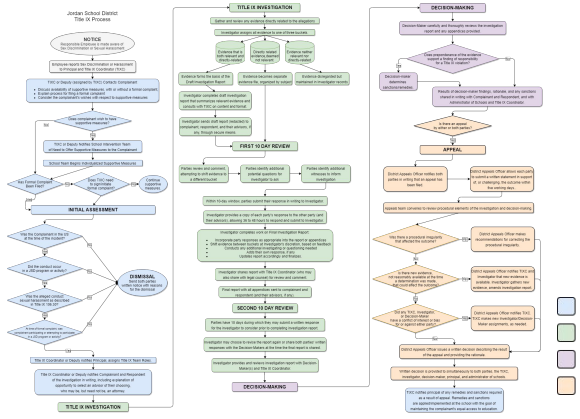
# Title IX Appeals Team



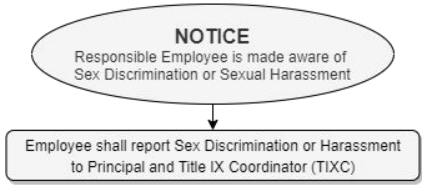

**Consultant, Student Support**
**Director, Student Services**
**Consultant, Planning & Enrollment**



# Title IX Grievance Process



# Notice Triggers Our Response Obligation

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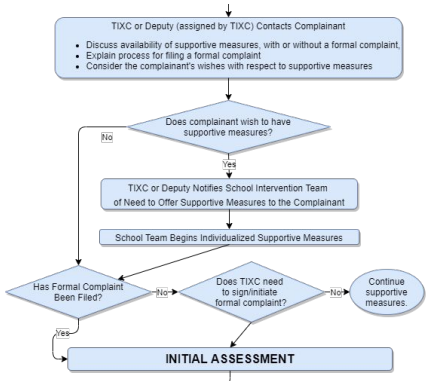
- Title IX Investigator(s)
- Title IX Decision-maker(s)
- Title IX Appeals Team



# Title IX Process - Outreach to Complainant

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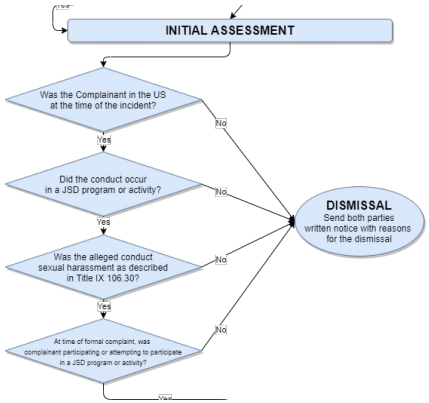
# Title IX Process - Initial Assessment

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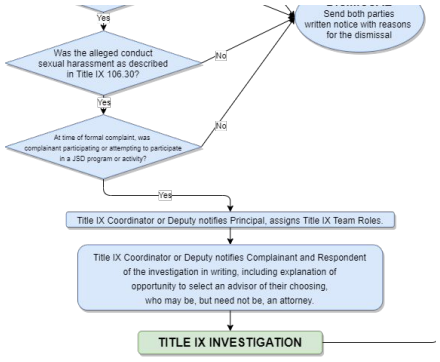


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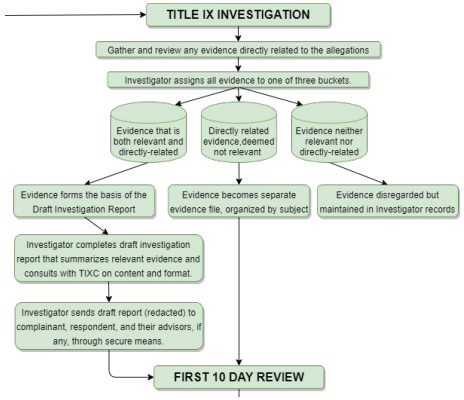
# Title IX Process - Investigation

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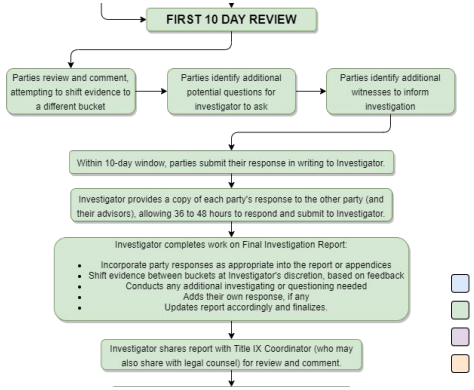


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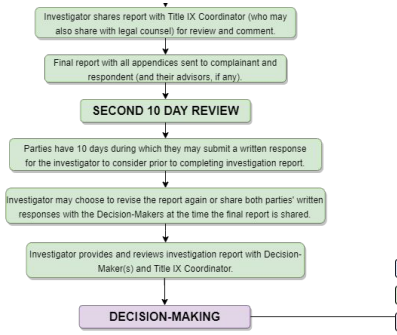


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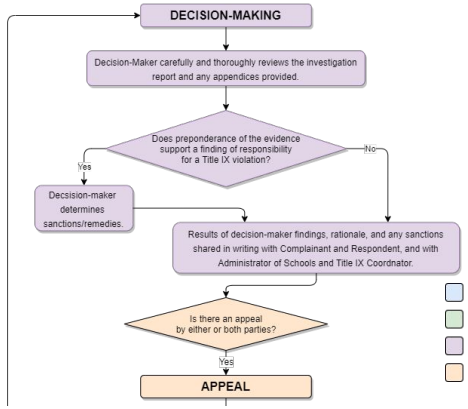
# Title IX Process - Decision

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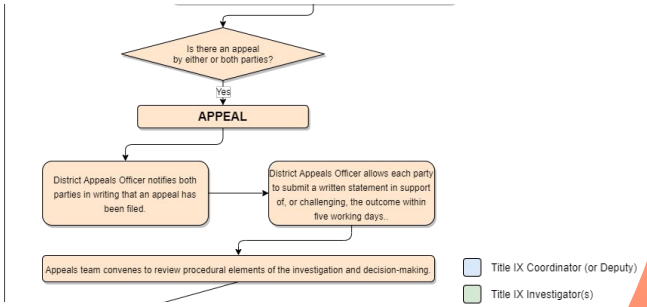
## Title IX Process - Appeal



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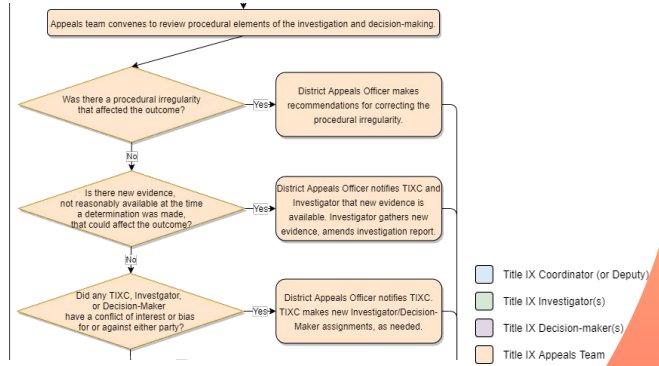




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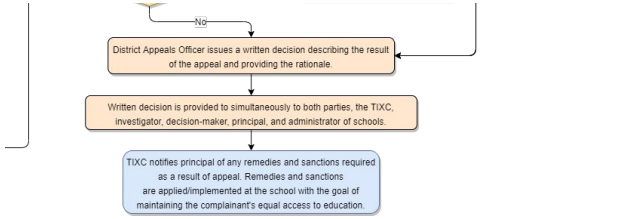




# Thanks!

## Any questions?

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- 801-567-8110