



Title IX Staff Training: What is it and How Do I Report It?

Created by: Udall & Shummay

Presented by: Frances DeWindt, MSML, Title IX
Coordinator





WHAT IS TITLE IX ABOUT?



Scope of Title IX for Schools

- Prohibits discrimination and harassment based on sex in education programs and activities at schools that receive federal funding

-

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



Scope of Title IX for Schools

- If any part of a K-12 school or college receives federal funding for any purpose, then all operations of the school or college are covered by Title IX
- Protects students, employees, applicants for employment, students who are applying to the school and any other person who may participate in the School's activities and/or programs



Definition: Sexual Harassment

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

1. A District employee conditions the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;

Definition of Sexual Harassment

2. Unwelcome conduct that a reasonable person would find to be so severe, pervasive, and objectively offensive that it “*effectively denies a person equal access*” to the District’s education program or activity;
3. Sexual assault, dating violence, domestic violence, or stalking.

Sexual Assault

- An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

-

20 U.S.C. 1092(f)(6)(A)(v)

-

Stalking

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

34 U.S.C. 12291(a)(30)



Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- 1) the length of the relationship;
- 2) the type of relationship;
- 3) the frequency of interaction between the persons involved in the relationship

34 U.S.C. 12291(a)(10)



Domestic Violence

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.

34 U.S.C. 12291(a)(8)



Examples of Sexual Harassment

- Suggestive or obscene letters, notes, derogatory comments, slurs, jokes
- Display of sexually suggestive objects, pictures, or cartoons
- Assault, touching, impeding or blocking movement,
- Leering or other conduct that is physically threatening, harmful or humiliating
- Continuing to express sexual interest after being informed that the interest is unwelcome

District Liability for Sexual Harassment

- The District will violate Title IX where it has ***actual knowledge*** of an allegation of sexual harassment experienced by an ***individual in the educational program/activity*** and the District acts with ***deliberate indifference*** to that notice.

What is Actual Knowledge of Harassment?

- A report to ANY elementary or secondary school employee
 - ALL employees must be trained to immediately communicate any report of conduct that would meet the definition of harassment to Title IX Coordinator
- A report to the Title IX Coordinator made at any time via any method of communication
- A report made to any District official who has authority to institute corrective measures

Is There Actual Knowledge?

- Sally reports to her paraprofessional that Jeff keeps trying to grab her breasts and butt
- Johnny reports to his teacher that almost everyday, during online classes, Jennifer uses a homophobic slur toward him in the chat function
- Jessica reports to the bus driver on her way home one day that Stephanie had photoshopped Jessica's head on a nude photo and sent it to the entire 7th grade class

Actual Knowledge?

- David tells his best friend that a coach makes him very uncomfortable because one evening after a training session, the coach got into the shower at the same time David was showering and has, several times since then, rubbed David's shoulders and brushed up against him in a way that David finds creepy. David is really upset now because this coach told him privately that he would like to make David team captain next year, but David is going to need to do "something" for him.

Actual Knowledge?

- Parent of Jamie tells her neighbor, who works in the cafeteria at the middle school, that she saw messages from a boy on her daughter's phone that included a demand for a nude photo and threat to tell everyone on social media that she is a whore if she doesn't send him the picture. Parent tells her neighbor that she blocked the student's number but isn't planning to alert the school.

DISTRICTS' OBLIGATIONS UNDER TITLE IX



What Affirmative Steps Does Title IX Require?

- Employ a Title IX Coordinator
- Have and disseminate a policy and grievance process to address sex discrimination, including sexual harassment
- Post on the District's website:
 - Nondiscrimination Notice
 - The contact information for the Title IX Coordinator
 - The training materials for the investigators and decision makers
 - The grievance process

REPORTS OF SEXUAL HARASSMENT & THE GRIEVANCE PROCESS



How is it Reported?

- Reports can be made by anyone and by mail, telephone, email to Title IX Coordinator or by any means that results in the Title IX Coordinator receiving the report
- Any report triggers District responsibilities – **Important to send notice of any report to Title IX Coordinator**
- Do not make a judgment as to whether the report is sexual harassment – that is the Title IX Coordinator's job in responding

Grievance Process Requirements

- Treat all parties equitably
- Upon receipt of a formal complaint, provide written notice
- Objectively evaluate all evidence, including allowing the Respondent to prepare a response before any initial interview
- Ensure there is no conflict of interest for the investigator and decisionmaker
- Include a presumption that the Respondent is not responsible

Grievance Process Rqmnt's Cont'd

- Include reasonably prompt timeframes
- Include a description or list of possible discipline or other remedies
- Include a statement of the standard used = preponderance of the evidence
- Include appeal procedures and when appeal is available
- Include a range of supportive measures available

Where Can I find the Grievance Process?

- <https://portals.gesd40.org/domain/1126>



YOUR TITLE IX COORDINATOR & THEIR ROLE/RESPONSIBILITIES



Title IX Coordinator Responsibilities

- Development, implementation, and monitoring of meaningful efforts to comply with Title IX
- Develop and maintain a working knowledge of Title IX and relevant state laws
- Ensure District has required policies and procedures
- Conduct self-evaluations of policy compliance
- Coordinate/ conduct investigations of formal complaints
- Develop training programs for staff and students
- Identifying and addressing any patterns of discrimination

Title IX Coordinator

Frances DeWindt

7301 North 58th Avenue

Glendale, AZ 85301

(928) 550-8130

fdewindt@gesd40.org



Title IX Exit Ticket

<https://docs.google.com/forms/d/e/1FAIpQLSdklzHHvQhcK0tBi0WbGGsJtdBjUUSzOjwPrumEs2tphk5Pw/viewform>



Thank You!

