

Title IX Process and Procedure

The Intergenerational Schools ,
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Title IX

- Title IX is a Federal Regulation that prohibits sex or gender-based discrimination in education programs and activities.
- This includes sex, gender, sexual orientation, gender identity, and gender expression.
- Applies to employees, students, and other groups
- School districts are to assume adverse action or impact when situations deal with a minor who cannot consent to sexual activity under state law.

Definitions

- **Sex/Gender based discrimination:** Actions or Decisions that allow, limit, or deny employment or participation based on sex
- **Program Equity:** School provides balanced opportunity in programs for all sexes.

Harassment in the scope of Title-IX is Teacher-on-student or Student-on-student.

- **Quid-Pro-Quo:** Conditioning provision of aide, benefits, or a service for participation in unwelcomed sexual conduct.
- **Hostile Environment:** Unwelcomed conduct that effectively denies equal access.
- **Sexual Assault:** Sexual acts without consent or when consent cannot be given.

Title-IX Commandments

1. **Investigation:** Must be thorough and gather all necessary information from credible and reliable sources.
2. **Resolution:** Must be prompt and effective in stopping, preventing, and remedying effects.
3. **Remedy:** Reasonable efforts to stop discrimination, prevent reoccurrence, and equitably remedy effects.

5 Phases of the Grievance Process

1. **Report/Claim:** Formal complaint alleging a policy violation
2. **Initial Assessment:** Determine jurisdiction under Title-IX and the scope of the response to the allegation.
3. **Formal Investigation:** Neutral and impartial investigation.
4. **Determination:** Consider all evidence and determine if a policy was violated
5. **Appeal:** Parties may submit an appeal of the determination. Appeal decision maker makes the final decision.

Roles & Responsibilities

All members of the Title-IX Team are to help ensure equity and a fair and prompt resolution.

- Roles and responsibilities may be held by current school employees or external individuals and contractors

Title-IX Coordinator (Steps 1-5): Appoint members of the Title-IX team and ensure they are trained.

- Receive incident reports of harassment and discrimination.
- Conduct initial assessment of reports.
- Determines if a complaint is under the jurisdiction of Title-IX.
- Implement support measures.
- Manage informal and formal processes.

Investigator (Step 3): Assigned to conduct a prompt, thorough, and neutral investigation.

- Gather evidence and create an investigation report (*Coordinator may also serve as the investigator*)

Decision Maker (Step 4): Determines if the respondent violated policy, based on the evidence. (*Coordinator may not serve as the investigator*)

- Hearings are optional for K-12 schools, except for long-term suspension, expulsion, and some employment related cases
- Provide a written determination to the involved parties, with a rationale for the decision.

Roles & Responsibilities: Continued

Appeal Decision Maker (Step 5): Individual or panel that determines if an appeal was filed on time and with an appropriate reason (***Coordinator may not serve as the investigator***).

- Procedural irregularity that affected the outcome
- Newly Discovered Evidence that affect the outcome
- Conflict of Interest or Bias that affected the outcome

Informal Resolution Facilitator (Steps 2 & 3): Facilitate resolutions such as mediated conversations, restorative practices, etc. If both parties agree (***Coordinator may also serve as the investigator***).

- Informal resolutions may be inappropriate in situations involving sexual assault or trauma.
- Title-IX Coordinator determines if circumstances are appropriate and may serve as facilitator.

Advisor (Steps 2-5): Title-IX regulations allow parties an advisor of their choice to assist.

- Attend meetings, interviews, and hearings throughout the process.
- An advisor could be anyone
- School must permit advisors but there is no requirement to provide them.

Mandated Reporting

Employees are to report any incident or conduct that could be sexual harassment or sex or gender-based discrimination.

- There are no confidential reporting options in K-12.

Reports may be made in person, by phone, via email, or through an online reporting form.

- Needs to include Names of parties and witnesses, Times, Locations, and contact information

Supervisors must report employee-involved harassment or misconduct that they are or should be aware of.

Formal Complaints

- Outline Sexual harassment allegations
- Request in writing that the school investigates
- Complainant must be participating in or attempting a program or activity
- Parent or guardian has the right to make a report or complaint on the behalf of a minor child
- Must have physical or digital signatures (Complainant or parent/guardian)
- Any written request that contains the required elements qualifies, including email.

Accessing Records

- All parties can review investigation reports and evidence directly related to allegations (excluding student witnesses).
- Parties have the right to review the entire investigation file
 - Names may be redacted but a key must be provided.

Title-IX & Title-VII

T-IX

Prohibit discrimination
based on sex or gender in
education

T-VII

Prohibit discrimination based
on race, color, sex, or national
origin

Both can be used to resolve sex or gender-based misconduct

The Office for Civil Rights

Students can also file an admin complaint with the U.S. Department of Education, Office for Civil Rights.

To pursue a Title-IX claim

1. A student, parent, or guardian can file a lawsuit for monetary damages or court intervention.
2. A student, parent, or guardian can file an admin complaint