SY2023-24 | Title IX

Sedrick Ross, Title IX Coordinator

Topics for Discussion

- What is Title IX and how does Title IX protect students?
- What is Title IX sexual harassment?
- What does sexual misconduct look like in the school?
- What is the role of the Title IX Coordinator?
- Where and how to report sexual misconduct?

Title IX of the Education Amendments Act of 1972

"No person…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 is Title IX?

- Title IX of the Educational Amendments of 1972 is a **federal law** that **prohibits sex-based discrimination and harassment** in educational programs and activities.

- Title IX **protects APS students and employees** from sex-based discrimination and harassment.

- Title IX **requires schools to stop, prevent, and remedy** sex-based discrimination and harassment.

Arlington Public Schools – Title IX Compliance Policy

Arlington Public Schools shall provide equal educational opportunities and learning, environments that are free of discrimination, including harassment, on the basis of **sex,** race, national origin, creed, color, religion, gender, age, economic status, sexual orientation, marital status, pregnancy status, genetic information, gender identity or expression, and/or disability.

No student, on these bases, shall be denied equal access to educational or extracurricular programs, activities, services, or benefits or be limited in the exercise of any right, privilege or advantage…

Why Comply with Title IX Regulations?

- APS is committed to providing environments in which all persons can participate in education programs and activities that are free from all forms of sexual harassment.

- Failure to comply could result in:
  - Legal liability for APS or you
  - The loss of federal funding
  - An Office of Civil Rights (OCR) Investigation

What is Title IX Sexual Harassment?

Title IX Sexual Harassment is misconduct on the basis of sex that satisfies one or more of the following conditions:

- **Hostile Environment:** Unwelcome conduct (student-student or employee-student) that is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies the victim equal access to an education program or activity.

- **Quid Pro Quo:** An APS employee conditioning aid, benefit, or service on an individual's participation in sexual conduct;

- **Dating/Domestic Violence, Stalking, or Sexual Assault**

(as defined by the United States Code –see next slides)

What is Title IX Sexual Harassment?

- **Dating/Domestic violence:** means 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: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

- **Stalking:** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

What is Title IX Sexual Harassment?

Sexual Assault: any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

- **Rape:** Penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
- **Fondling**: Touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental capacity.
- **Incest**: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape**: Sexual intercourse with a person who is under the age of consent (18 years old).

What does sexual misconduct look like in the school?

- A 1st grade student touching the crotch of another student to see if they have the same "parts" as themselves.
- A middle school student sharing pornographic cartoons with several of their classmates as a joke.
- A high school student reporting that they have been continuously solicited for sex or sexual acts although they have repeatedly said no and have repeatedly asked the requestor to stop.
- A middle school student that repeatedly makes sexualized comments about another student's body.
- A high school student using sexual language and gestures toward other students and staff.

*****Err on the side of caution and report any suspected sexual misconduct*****

Role of Title IX Coordinator

- Maintains APS Compliance with Title IX regulations.

- ***Provides support to School Based Administrators for sexual misconduct***

  (that's you!)

- Title IX Related Logistics:
  - Receives/accesses reports of sexual misconduct
  - Supportive measures
  - Initiates formal Complaints/investigations
  - Supports investigators
  - Provides Title IX Notices/outcomes

Role of Title IX Coordinator

- Whenever any school employee has notice of sexual harassment, APS is required to take certain actions to stop any harassment that may be occurring; investigate the allegation; and implement appropriate remedies if, in fact, sexual harassment has occurred.

- The Title IX Coordinator is tasked with ensuring these steps are taken. Because of the complexity involved in determining whether an allegation of sexual misconduct constitutes Title IX Sexual Harassment (versus other sexual misconduct prohibited by the APS student code of conduct) it is critical that the Title IX Coordinator be notified of each allegation of sexual misconduct.

- The Title IX Coordinator will determine whether the alleged misconduct, if true, would constitute Title IX Sexual Harassment and will ensure that the appropriate next steps are implemented.

Reporting Sexual Misconduct

On May 6, 2020, the United States Department of Education issued new regulations that resulted in significant changes to the way that allegations of sexual harassment must be investigated and resolved by K-12 school systems throughout the United States, including APS. These new Title IX regulations now require all school employees to report sexual harassment, much like all school employees are required to report child abuse and neglect.

Reporting Sexual Misconduct

An employee is required to report an allegation of sexual misconduct *even if* the employee:

- Has not spoken to the alleged victim;
- Does not know if the allegation is true; or
- Believes the alleged misconduct would not constitute Title IX Sexual Harassment.

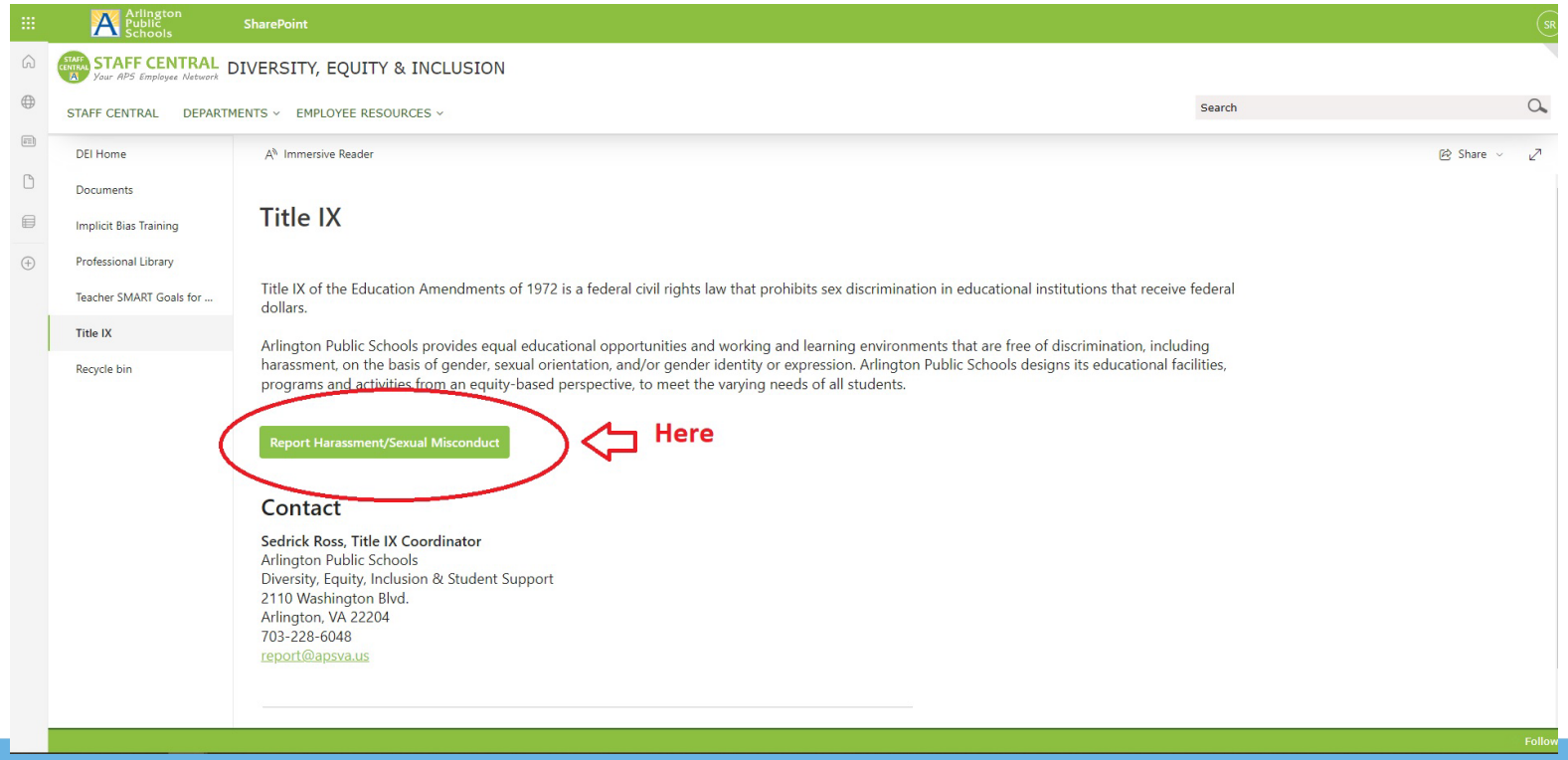
Reporting Sexual Misconduct

How to report sexual misconduct using new Sexual Misconduct Reporting Tool:

On the internal APS Title IX page:

Select:

"Report Harassment/Sexual Misconduct" button



Reporting Sexual Misconduct

How to report sexual misconduct using new Sexual Misconduct Reporting Tool:

Next Steps:

- Fill out the "Sexual Misconduct Reporting Tool (Microsoft Forms)."
- Depending on the options you select in your answers, additional clarifying questions may appear.
- When you have answered all "required questions," before you hit the submit button, the Sexual Misconduct Reporting Tool's algorithm will provide you with a set of instructions for next steps, which is depended on the information you input.

    - Possible instructions will include
        - Potential Title IX matter, wait to hear back from Title IX Coordinator
        - Non-Title IX, potential Student Code of Conduct Violation (investigate according to normal procedures)
        - Non-Jurisdictional under APS, do not investigate

*****Implementation of supportive measures are recommended no matter the outcome*****

Select **Submit**, and the Title IX Coordinator will receive an email notification of your report and will double check it to ensure Title IX compliance. If you selected the option to have the Title IX Coordinator follow up with you, I will contact you via phone, Teams, or email.

Title IX Coordinator Contact

- Questions:

- Contact:

Sedrick Ross - *Title IX Coordinator*

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