



METRO
NASHVILLE
PUBLIC
SCHOOLS

Title IX Regulations

Charter Schools

2022-2023 School Year

Valor Title IX Coordinator: Lucie Rhoads

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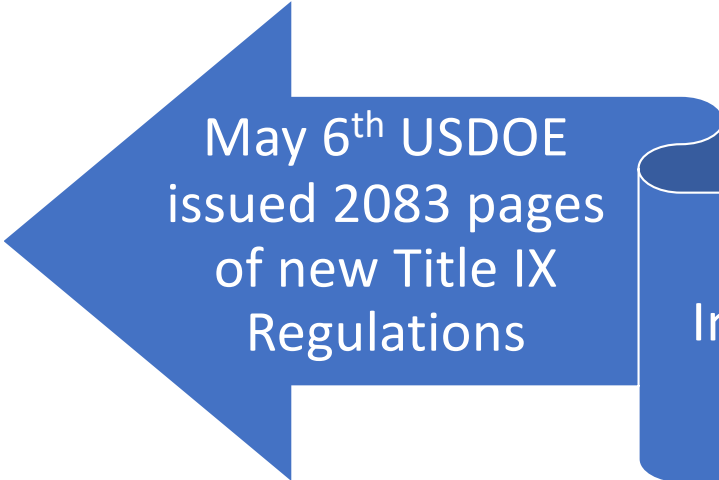
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- Overview: New Title IX Regulations
 - Reporting
 - Definitions
 - Sexual Harassment Defined
 - Complaints
 - Investigations
 - Decision making & Appeals
 - Retaliation
 - Charter School To-Do List

AGENDA



Overview: New Title IX Regulations



May 6th USDOE
issued 2083 pages
of new Title IX
Regulations



Implementation date
was August 14th



Each Charter
School must
adopt a new
Title IX &
Sexual
Harassment
Policy



Title IX

- Title IX encompasses many areas - discrimination on the basis of sex, athletics, gender expression, etc.
- These new regulations only address a small portion of Title IX as it relates to sexual harassment



Reporting

All staff must report potential sexual harassment to the Title IX Coordinator



Who Reports?

- **Before**, notice was only triggered by school staff with the ability to institute disciplinary action - like principals.
- **Now**, any and all staff are responsible for reporting potential Title IX sexual harassment violations.



Definitions

- **Complainant:** alleged to be the *victim* of conduct that could constitute sexual harassment.
- **Respondent:** reported to be the *perpetrator* of conduct that could constitute sexual harassment.



Definitions: Sexual Harassment

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

1. A school district employee conditioning an aid, benefit, or service of an education program or activity on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the education program or activity; or
3. Sexual assault, dating violence, domestic violence, or stalking as defined in state and federal law.



Definition of Sexual Harassment

- Severe, pervasive, *and* objectively offensive is a new, higher standard for harassment.
- Must have all three.
- Other areas of harassment use the “or” standard.



Severe, Pervasive, and Objectively Offensive

- Conduct effectively denies access to education program or activity . . .
- Need all three
 - **Severe**: subjective analysis that looks at things like whether the act is humiliating or threatening and whether it prevents educational access
 - **Pervasive**: means more than a single incident
 - **Objectively offensive**: judged by what a reasonable person would find offensive or unwelcome



Examples of Sexual Harassment

Sexually suggestive remarks

Verbal harassment or abuse

Sexually suggestive pictures

Sexually suggestive gesturing

Harassing or sexually suggestive or offensive messages

Subtle or direct propositions for sexual favors

Touching of a sexual nature



Things to keep in mind ...

- Any of the previous examples could constitute sexual harassment.
- Not limited to the examples on the previous slide.
- Conduct can be directed toward the same or opposite sex.
- Conduct could be student on student, staff on staff, staff on student, or student on staff



When to Report to Title IX Coordinator?

Hypotheticals

Likely Do
Not Report

- A single instance of inappropriate name calling
- A single instance of inappropriate touching or gesturing

Likely Report

- An incident involving sexual photos or videos, particularly involving students
- Multiple instances of inappropriate touching or gesturing



Grievance Process

This process is all new ...

- After report, the Title IX Coordinator assesses whether conduct potentially rises to the level warranting Title IX investigation
- If a Title IX investigation is necessary, the Title IX Coordinator or designee will contact the student(s), offer supportive measures, and explain the process for filing a formal complaint
- If student decides to file a formal complaint, or if Title IX Coordinator signs a formal complaint, an investigator will investigate.
- The investigator cannot be the Title IX Coordinator.



Grievance Process Cont.

- **REMEMBER** - Students *cannot be disciplined or removed until grievance process is complete* unless emergency removal
- Emergency Removal - only if threat to safety
- Employees can be placed on admin leave or suspension without pay



Complaints

Title IX Coordinator can dismiss complaints after initial assessment and kick back to Principals for local discipline

All parties receive written notice of allegations after formal complaint

Offer supportive measures throughout the process



Investigations

- Investigation only occurs if a formal complaint is signed by complainant or by the Title IX Coordinator
- 48 hours to initiate the investigation after formal complaint
- All parties receive all evidence to review (no confidentiality, FERPA doesn't apply) and have 10 days to respond
- Investigative report summarizing evidence sent to parties, guardians, and decisionmaker



Determination of Responsibility

- **Decisionmakers = Must be different person from Title IX Coordinator and Investigator**
- Parties can submit written cross exam questions
- Make decision 10 days after receiving answers
- Written report on decision
- Substantiated charges can result in disciplinary action including expulsion or termination



Appeals

- **Appeals officer = Must be different person from Title IX Coordinator, Investigator, and Decisionmaker**
 - Either party may appeal w/in 10 days on one of the following bases:
 1. Procedural irregularity
 2. New evidence
 3. Conflict of interest
 - Written decision within 10 days of the appeal



Retaliation

- Retaliation against any person who makes a report or complaint or assists, participates, *or refuses to participate* in any investigation of an act alleged in this policy is prohibited.
- Retaliation may result in disciplinary action.



Title IX Coordinator

Valor Title IX Coordinator:

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Can be contacted for consult for Charter
School Title IX Coordinators



Charter School Title IX To-do List

- Adopt a policy
- Appoint a Title IX Coordinator
- Add Title IX Coordinator contact information to school website
- Train Title IX Coordinator and any others that will be involved in the process as investigators, decisionmakers, and appeals officers by November 1, 2020
- Link training materials on school website
- Create a procedure
- Train all school staff on new role as mandatory reporters of sexual harassment

