

Title IX Grievance Procedure Training

For Faculty & Staff

Fall Semester 2021

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Shareholder

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Topics

- Title IX Overview
- What is Sex-Based Discrimination?
- Summary of Title IX Grievance Procedure
- Your Reporting Responsibility



Title IX Overview



What is Title IX?

- Title IX of the Education Amendments Act of 1972 provides that “[n]o 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.”



What is Title IX?

- In short, Title IX prohibits sex-based discrimination in a school's educational program or activity against any person in the United States.
 - includes any location/events/circumstance where the school had **substantial control** over the context & the alleged perpetrator
- It is equally applicable to **STUDENTS** and **EMPLOYEES**.
- Failure to meet Title IX requirements can cause civil liability and loss of federal funding.

What is Sex-Based Discrimination?



What is Sex-Based Discrimination?

- “Sex-based discrimination” includes any harassment or other discrimination based, in any way, on a person’s sex/gender.
- This includes discrimination based on a person’s pregnancy/parenting status and gender identity.



What is “Sexual Harassment”?

- Includes 3 types of misconduct on the basis of sex:
 1. Any instance of *quid pro quo* harassment by a school employee;
 2. Any unwelcome conduct that a reasonable person would find severe, pervasive **and** objectively offensive such that it effectively denies equal educational access;
 3. Any instance of sexual assault, dating violence, domestic violence, or stalking.



Overview: Definition of “Sexual Harassment”

- Certain conduct is defined by the **Violence Against Women Act** (34 U.S.C. § 12291(a)) and/or the **Clery Act** (20 U.S.C. § 1092(f)).
 1. **Sexual Assault**: Any sexual act directed against another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth). This offense includes the forcible rape of both males and females. Sexual assault may include, but is not limited to rape, fondling, incest, and statutory rape.

Overview: Definition of “Sexual Harassment”

2. **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.

3. **Domestic Violence**: Violence committed by a current/former spouse of the victim; person with whom the victim share a child in common; person who is cohabitating with or has cohabitated with the victim as spouse; or person similarly situated to a spouse of the victim.

Overview: Definition of “Sexual Harassment”

4. **Stalking**: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her safety or the safety of others; or suffer substantial emotional distress. Stalking may be conducted directly or indirectly and may include, but is not limited to, behaviors such as making unwanted calls or following someone.

5. **Other Sex-Based Discrimination**: Any conduct based on a person’s sex, pregnancy, gender identity, or gender expression that adversely affects a term or condition of that person’s employment, education, or participation in an educational program/activity.

The Grievance Procedure Summarized



Summary of Grievance Procedure

- **Step 1: Initial Report**
 - Any person can report an incident that may be sexual harassment or discrimination to you as an employee.
 - This “informal reporting” can be in any format.
 - You **MUST** report to Title IX Coordinator.

- **Step 2: Initial Contact with Complainant by Title IX Coordinator**

- **Step 3: Formal Complaint submitted to Title IX Coordinator**

Summary of Grievance Procedure

- **Step 4:** Initial Assessment by Title IX Coordinator
- **Step 5:** Written Contact to Parties by Title IX Coordinator
- **Step 6:** Investigator Conducts Investigation

Summary of Grievance Procedure

- **Step 7:** Preliminary Investigative Report by Investigator
- **Step 8:** Final Investigative Report by Investigator
- **Step 9:** Final Decision by Title IX Council (aka, decision-makers)

Summary of Grievance Procedure

- **Step 10:** Appeals to Superintendent
- **Step 11:** Imposition of Discipline

Your Duty Under Title IX



Your Duty Under Title IX

- All K-12 employees are **MANDATORY** reporters of any potential incident of sex-based discrimination/harassment under Title IX.
- Your duty is to listen and **REPORT** – any time you hear about conduct that potentially violates Title IX you should report it to the Title IX Coordinator and your school principal.

Your Duty Under Title IX

- Important things to consider:
 - Trust of students is important, so explain that you may have to report what they tell you to the coordinator
 - Students maintain their right to privacy, but no “gag orders” can be put in place
 - Title IX applies to employee-employee and student-employee incidents equally
 - Any concerns should be directed to your administrator/supervisor and the Title IX Coordinator
 - Training & reporting are of vital importance!

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