



2020

Title IX – Final Rule SLSD Compliance Overview

Sexual Discrimination and Harassment
K-12 Faculty and Staff Training



What is Title IX?

“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.”



What does the Title IX law mean for schools?

It means that all complaints of discrimination or harassment, based on sex, that arise from the school's program or activities, must be investigated and resolved promptly through a **specific** process.



Major changes in the Title IX for K-12 schools

1. The regulation defines “**Sexual Harassment**”
2. **ANY** school employee having knowledge of sexual harassment **must** report it.
3. Requires schools to designate a **Title IX Coordinator**.
4. Provides a specific investigation or **grievance procedure** that includes multiple staff and the provision of **supportive and interim measures**.



1. Sexual Harassment is Defined

“Sexual Harassment” is defined in three ways...

- 1. Quid Pro Quo** – the condition of giving educational benefit on the basis of sex. Example: I’ll give you a good grade if you kiss me.”
- 2. Unwelcome conduct** that a “reasonable person” would find so severe, pervasive and “objectively offensive” that denies a person equal access to education.
- 3. Any instance of sexual assault** defined by the Clery Act, dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).



2. Employees with Knowledge MUST Report

- Previously a school was liable for sexual harassment only if a *school official or “appropriate person”* had actual knowledge and did not act.
- Now whenever **ANY** employee (administrator, teacher, counselor, cafeteria worker, custodian) has knowledge of sexual harassment, it **MUST** be reported to the **Title IX Coordinator**.



3. Title IX Coordinator Contact

Schools must designate an employee to coordinate and comply with Title IX. The **Title IX Coordinator's** name and contact information must be published to employees and the community, and posted on the school district's website.

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4. What is the Complaint Process?

1. Title IX Coordinator receives a report and contacts the complainant.
2. A formal complaint is filed if desired.
3. The Title IX Coordinator informs the parties involved and proceeds to informal or formal resolution.
4. The Title IX Coordinator assigns additional staff members, including Investigator to investigate the complaint (conduct interviews and collect evidence) and prepare a report, and a Decision-Maker to make a determination.
5. Appeal is filed, if desired, by the parties.



It's important to know the following about the complaint process...

- Respondents are presumed innocent.
- All parties must be notified of the complaint.
- Schools may dismiss formal complaints under certain conditions.
- Parties must have equal opportunity to present evidence.
- “**Supportive measures**” must be offered to preserve the complainant’s access to the educational program or work without unreasonably burdening the respondent or accused.
- “**Emergency Interim measures**” must also be considered.



It's important to know the following about the complaint process...

- An investigative report is issued within 10 days, after which all parties may submit written questions to the Decision Maker for follow up.
- A determination must be made in writing.
- Remedies to restore or preserve equal access to the school's educational program for both parties must be achieved.
- All Mediators, Investigators, Decision Makers, Appeals persons and the Title IX Coordinator must be trained and unbiased.



What are “Supportive” and “Interim” measures?

SUPPORTIVE MEASURES

- Course related extensions or adjustments
- School managed or mutual restrictions of no contact between the parties
- Course schedule adjustments
- Increased monitoring within the school in certain areas
- Counseling
- Assistance with referral to outside support agencies
- Approve leaves of absence
- Other similar measures

EMERGENCY INTERIM MEASURES

- An emergency or interim measure might be the removal of an accused student or the placing of an Employee on Administrative Leave, if that individual is determined to be a threat.
- In order for such to occur, a threat assessment must be conducted.



Examples of Sexual Harassment?

- Unwanted or unwelcome physical contact such as grabbing, patting, bumping into or brushing against someone
- Sexually insulting remarks about race, gender, ability or class
- Sharing or sending inappropriate images, videos or pornography
- Sending suggestive notes, emails and text messages
- Telling lewd jokes
- Bragging about sexual prowess
- Intimidating hallway behavior including demeaning nicknames, homophobic name calling, cat calls, embarrassing whistles
- Being followed around by another student, staff member (stalking)



If I experience discrimination or am witness to sexual harassment, how do I file a Title IX report?

1. In-Person

- Talk to your supervisor or building principal
- Schedule an appointment with the Title IX Coordinator

2. Electronically

- Email information to TitleIX@sbsd.org

3. Regular Mail addressed to the Title IX Coordinator.

You will be instructed to complete a Title IX Incident Report.



Act & Encourage Bystanders to Act

- Reporting sexual discrimination or harassment is not tattling or ratting out.
- Reports made in good faith help the **people who need it** to get out of trouble, not into trouble.
- **Stand up and speak up. It is your obligation.**
- Encourage fearful others with knowledge to do the same and report sexual discrimination or harassment.





THANK YOU FOR LISTENING.

