

Title IX Training

Definition of Sexual Harassment



Sexual harassment means conduct on the basis of sex that satisfies one or more of the following

1. An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient 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 recipient's education program or activity;
3. "Sexual assault" as defined in 20 U.S.C. 10331(f)(9)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(9), or "stalking" as defined in 34 U.S.C. 12291(a)(3).

Title IX Jurisdiction – Activity/Location



Occurs in the context of educational program activities



In the United States



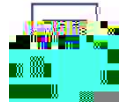
"Locations, events, or circumstances" --
Guid include online behaviors



Report vs. Formal Complaint



Report



Formal Complaint

Actual Knowledge (Report) -- Next Steps



Contact Complainant

Meeting

Offer Steps

§10630 Actual Knowledge



**Title IX
Coordinator**

**Official with
authority**

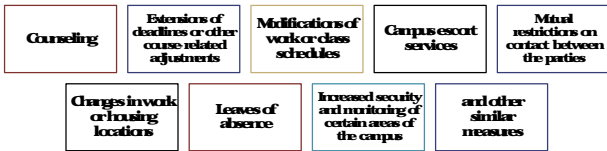
**Any employee at
K12**

Definition Supportive Measures



- Non disciplinary non punitive individualized services
- Offered as appropriate, as reasonably available, and without fee or charge
- To the Complainant and/ or the Respondent
- Before or after the filing of a formal complaint or where no formal complaint has been filed
- Designed to restore or preserve equal access without unreasonably burdening the other party
- Must maintain as confidential to the extent it would not impair the ability to provide

Supportive Measures



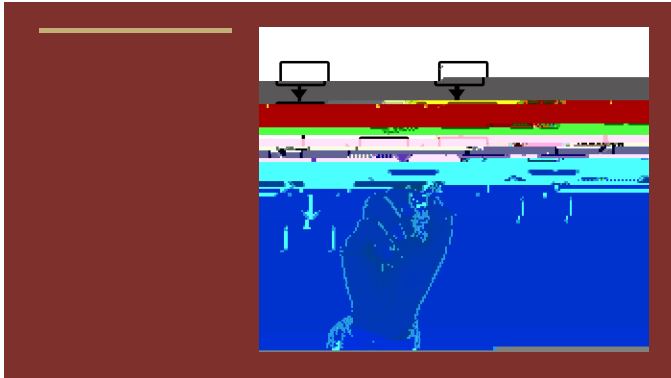
Emergency Removal and Administrative Leave



Emergency removal



Administrative leave



Resolution Options



Formal Complaint



Informal Resolution



Formal Resolution

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**§10630
Formal Complaint**

Post-Notice Timeline





Investigation

■



From the Regs..

“must objectively evaluate all relevant evidence (inculpatory and exculpatory) but retains discretion to which the Department will defer, with respect to how persuasive a decision maker finds particular evidence to be”

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Fact Considerations



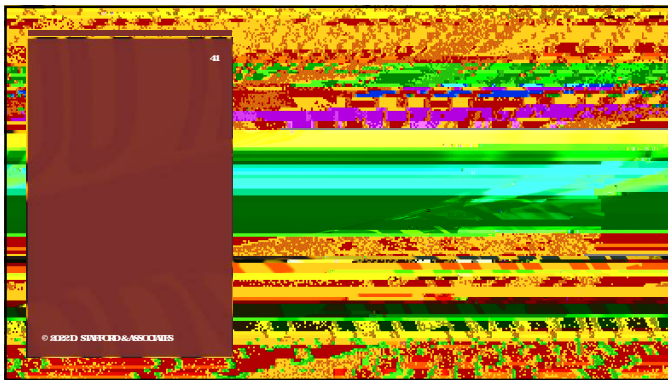
Weight



Written Determination



- **Determination regarding responsibility**
 - **Written by decision maker(s)**
 - **Issued after the hearing**
 - **Contains steps, findings, sanctions, and remedies**
 - **Includes information about appeals**



Key Clery Act Requirements (part 1)

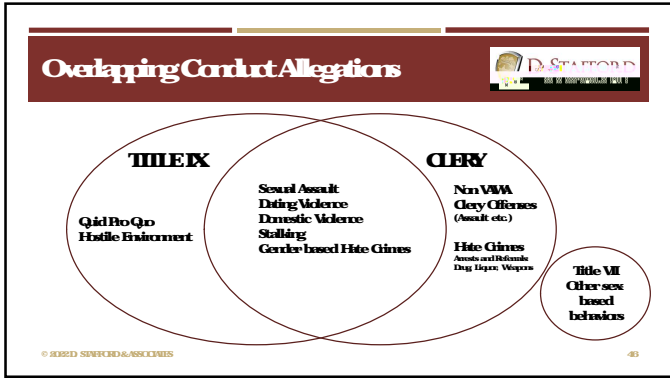


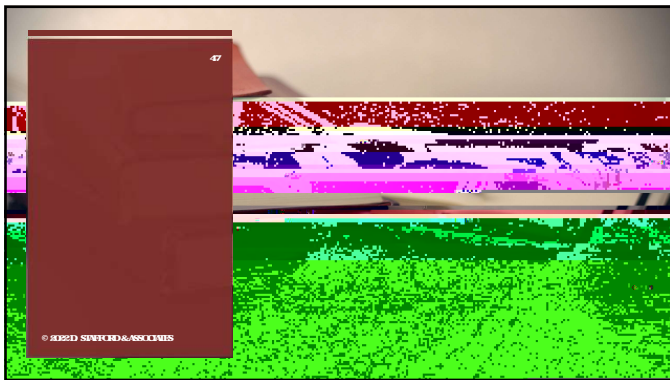
Collect, classify and count crime reports/

ts/

ea







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PRONG 1 Quid Pro Quo



An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's

PRONG 2 Hostile Environment: (The *Davis* Standard)



No specific definition of consent required



Not the same Title VI "hostile environment" or 2001 Guidance



First Amendment protections

PRONG 3 The VA



"Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "domestic violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(5).

Sexual Assault (part 1)

Rape - The penetration

Consent



Consent cannot be given due to..

Force

Incapacitation

Physical Force

Holding down

Forced to touch

Level of violence

Intimidation



Physical



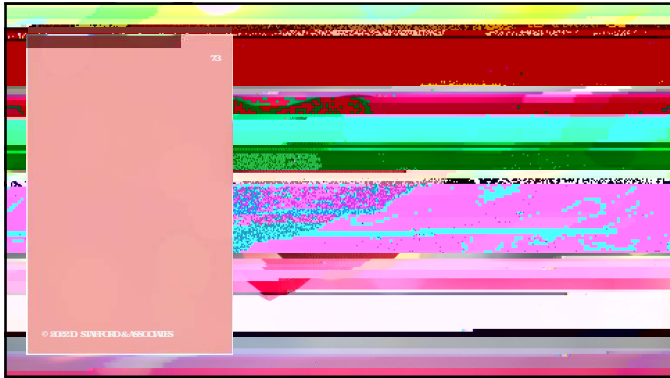
Verbal

Threats

Incapacitation

Levels of Consumption

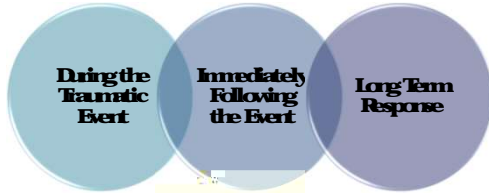
Impairment

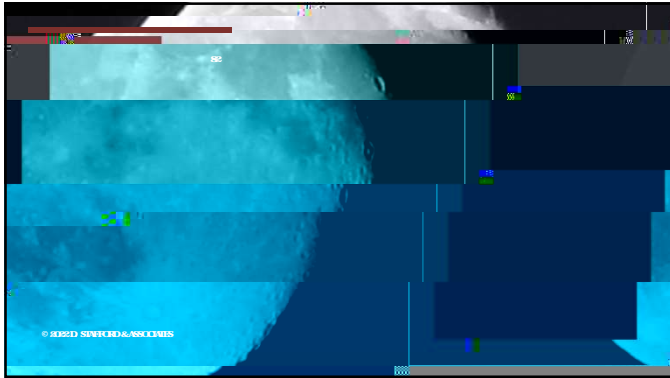






Impact of Trauma





Post-Traumatic Response

- Self-mutilation
- Eating disorders
- Anisocytia/disinterest in sex
- Substance use/abuse
- Depression
- Counterintuitive behaviors
- Suicide attempts/completions
- Sleep disorders

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Bias

- Being in favor of or against a particular person or thing in an unfair way
- Influences a person's judgment from being balanced
- Bias often comes from stereotypes or incomplete information

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Bias



Personal
experience

Personal
identity

Social
identity

Theoretical
perspective

Professional
identity

Religious
perspective

Political
perspective

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Confirmation Bias	Confirmed/preceived opinion
Availability Bias	Most important to the memory immediately recalled
Hubrigt Bias	See things as more predictable than they were
Forecast Bias	Ability to predict future events
Identity Bias	More likely to believe one group over another
Personal Experience Bias	Believe similar experience (or disbelieve the dissimilar)

Types of Bias

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Avoiding Prejudgment of Facts



Openmind



Listen



Objective



Neutral

