



Title IX Overview for Staff

BRIGHTEN ACADEMY CHARTER SCHOOL

What is Title IX?

- ▶ Title IX of the Education Amendments of 1972
- ▶ Protects people from discrimination based on sex in education programs or activities that receive federal financial assistance.
- ▶ Enforced by the Office of Civil Rights (“OCR”).
- ▶ Protects all persons from discrimination, including parents and guardians, students, and employees.
- ▶ What does Title IX say?
 - ▶ 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.

Doesn't Title IX Only Apply to Athletics?

- ▶ NO!
- ▶ Title IX also applies to:
 - ▶ Recruitment, admissions and counseling
 - ▶ Sex based harassment
 - ▶ Treatment of pregnant and parenting students
 - ▶ Discipline
 - ▶ Single sex education
 - ▶ Employment matters

Pregnancy or Parental Status

- ▶ Title IX prohibits a school from discriminating against a student based on the student's:
 - ▶ Pregnancy
 - ▶ Childbirth
 - ▶ False pregnancy
 - ▶ Termination of pregnancy
 - ▶ Recovery from any of these conditions.
- ▶ Title IX also prohibits a school from applying any rule related to a student's parental, family, or marital status that treats students differently based on their sex.

Title IX in Athletics

- ▶ School districts must provide equal athletic opportunities for both sexes.
- ▶ OCR considers whether an institution is effectively accommodating the athletic interests and abilities of students of both sexes.
- ▶ Factors that are considered by OCR:
 - ▶ Equipment and supplies;
 - ▶ Game and practice times;
 - ▶ Travel and per diem allowances;
 - ▶ Coaching and academic tutoring;
 - ▶ Assignment and compensation of coaches and tutors;
 - ▶ Locker rooms, practice and competitive facilities;
 - ▶ Medical and training facilities and services;
 - ▶ Housing and dining facilities and services; and
 - ▶ Publicity.

Other Examples of Title IX Issues

- ▶ Discrimination in student discipline
- ▶ Unequal access to educational resources
 - ▶ Example 1: STEM opportunities / programs
 - ▶ Example 2: Career / technical education

Recent Changes to Title IX Regulations

- ▶ OCR recently amended Title IX Regulations, focusing on those Regulations pertaining to sexual harassment.
- ▶ This presentation will focus on those changes that are relevant to K12 school districts.

Sexual Harassment

- ▶ If a school district has actual knowledge of sexual harassment in an education program or activity of the school district against a person in the United States, it must respond promptly in a manner that is not deliberately indifferent.

“Actual Knowledge”

- ▶ “Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to a recipient’s Title IX Coordinator or any official of the recipient who has authority to institute corrective measures on behalf of the recipient **or to any employee of an elementary and secondary school.**
 - ▶ Administrators
 - ▶ Teaching staff
 - ▶ Clerical staff
 - ▶ Custodial and food service staff

“Education Program or Activity of School District”

- ▶ What is “an education program or activity of the school district”?
 - ▶ Any location, event, or circumstance over which the school district exhibits substantial control over both the alleged harasser and the context in which the harassment occurred.
- ▶ Title IX does not impose a duty to report purely off-campus conduct.

“Education Program or Activity of School District”

- ▶ If conduct occurs in a building owned or controlled by a student organization that is officially recognized by the District, this qualifies as an “activity of the school district.”
- ▶ If conduct occurs on an international field trip or at any location outside the United States, it is excluded from this definition.
- ▶ What about sexual misconduct that occurred off-campus but has an on-campus effect?
 - ▶ This falls outside the DOE's jurisdictional requirements and would be addressed through other District policies.

“Deliberate Indifference”

- ▶ A school district is “deliberately indifferent” if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

Three Categories of Sexual Harassment

- ▶ There are three categories that meet OCR's definition of sexual harassment and must be reported
 - ▶ Quid pro quo
 - ▶ Sexual assault, dating violence, domestic violence, stalking
 - ▶ "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"

Sexual Harassment: Category 1

- ▶ “Quid pro quo”
- ▶ If an employee of the school district conditions the provision of an aid, benefit, or service of the school district on an individual’s participation in unwelcome sexual conduct, this is sexual harassment.
- ▶ This conduct must be reported.

Sexual Harassment: Category 2

- ▶ “Sexual assault” as defined in 20 U.S.C. § 1092(f)(6)(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)(8)
- ▶ “Stalking” as defined in 34 U.S.C. § 12291(a)(30)
- ▶ **Conduct that falls within any of these definitions must be reported.**

Sexual Harassment: Category 3

- ▶ “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.”
- ▶ **This conduct must be reported.**

Reporting

- ▶ ALL employees are responsible for reporting sexual harassment AND allegations of sexual harassment
- ▶ Reports should be made IMMEDIATELY
- ▶ Staff can report sexual harassment to their principal, who can assist in ensuring this conduct is reported properly
- ▶ Any allegations of student sexual harassment should be reported to:
 - ▶ Mrs. Lisa McDonald, Title IX Coordinator for Student Matters and Title IX Coordinator for Employee Matters, Brighten Academy Charter School
5897 Prestley Mill Rd. Douglasville, GA 30135
(678)651-3680
lmcdonald@brightenacademy.com