



Navigating the New Regulations on Title IX: Nuts & Bolts for Sta ff

San Leandro Unified School Di

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Information for Staff

- Highlights of the new Department of Education Title IX regulations
- Information on changes in standards
- Who to notify if you witness or receive information about harassment

TITLE IX

New Title IX Regulations

- Title IX prohibits discrimination on the basis of sex in educational programs and activities.
- This includes a prohibition on sexual harassment, including sexual assault
- Schools have an obligation to help prevent sexual harassment and respond to notice of sexual harassment

New Title IX Regulations

- On May 6, 2020, the US Department of Education issued new regulations on sexual harassment.
- New Regulations took effect **August 14, 2020.**
- SLUSD has recently adopted revised sexual harassment policies and administrative regulations (See, *e.g.*, AR 4030, AR 5145.3, BP/AR 5145.7, AR 5145.71)
- Title IX compliance and education are hugely important in protecting our students and ensuring their access to a safe and welcoming educational environment

Terms

- The Complainant is the person who is alleged to be a victim of sexual harassment, whether or not he or she actually files a complaint.
- The Respondent is the person who is accused of sexual harassment.

Definition of Sexual Harassment

- Unwelcome conduct on the basis of sex:
 - Quid Pro Quo harassment
 - Unwelcome conduct that is so severe, pervasive, and objectively offensive that it effectively denies equal access to an educational program or activity.
 - Sexual assault, dating violence, domestic violence or sex-based stalking
- “Consent” is not defined

Examples of Sexual Harassment

- Unwelcome leering or propositions
- Unwelcome sexual slurs or epithets
- Graphic comments about an individual's body
- Sexual jokes, posters, gestures, cartoons
- Spreading sexual rumors
- Massaging, grabbing, sexual touching
- Sexual assault or coercion

Scope (Where Conduct Must Occur)

- Applies to locations, events or circumstances over which the school or district exercises substantial control over the respondent (alleged harasser) and the context in which sexual harassment occurred – both on and off campus.
- Title IX does not apply to harassment that takes place off campus and entirely outside of school activities

Notice of Sexual Harassment

- Districts must respond to “actual notice” of sexual harassment
- K-12: “actual notice” if any employee hears or is told about the harassment or witnesses it, the district is deemed to know about it.
- Any person may report sex discrimination or sexual harassment to one of these people orally or in writing.
- If you observe or are told about any incident of sexual harassment, you should inform the Title IX Coordinator.

Title IX Coordinator

- Applicants, students, parents, and unions must be notified of the name or title and contact information of the Title IX coordinator and how to file a complaint of discrimination.
- In SLUSD, the Title IX Coordinator is Mr. James Parrish III, Director of Family and Student Support Services
email: jparrish@slusd.us
phone: (510) 667-6226

Grievance Procedure

- Only a complainant or his/her parents or guardians or the Title IX coordinator may file a formal complaint.
- At the time s/he files a complaint, the complainant must be participating, or attempting to participate, in an educational program or activity.



New Process Requirements- Supportive Measures

For complainant:

- Title IX coordinator must contact the complainant to discuss supportive measures and explain the process for filing a complaint.
- Provide supportive measures whether or not a formal complaint is filed.
- Supportive measures may include:
 - Counseling
 - Extensions of deadlines or other course-related adjustments
 - Modification of work or class schedules
 - Mutual no-contact orders

New Process Requirements- Supportive Measures

For respondent:

- Cannot impose any discipline on the respondent, or take actions that are not “supportive measures,” until grievance process complete and finds the respondent responsible.

Required Training

- All Title IX Coordinators, investigators, decision-makers, and facilitators of informal resolutions must receive training on
 - The definition of sexual harassment
 - The scope of the district's program or activity
 - How to conduct an investigation, hearing, appeal, and informal resolution process, as applicable
 - How to serve impartially
 - How to determine relevance
- Training materials must be publicly available on the district's website.

Privacy Considerations

- The district must keep confidential the identity of anyone who reports sexual harassment, files a complaint, or is accused of sexual harassment except as necessary to conduct an investigation.
- BUT, keep in mind confidentiality is limited in practice:
 - Respondents are entitled to written notice if a formal complaint is filed
 - Parties' ability to discuss the allegations may not be limited
 - Parties must be permitted to review all evidence, including witness statements

Retaliation

- Retaliation for reporting harassment or participating in the process is prohibited.
- It may be retaliation to respond to a report of sexual harassment by charging a respondent with a non-sexual harassment offense for the purpose of avoiding the regulations.

Questions??





Thank You!

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