



1

<hr/> <h2>When must a school respond to Title IX sexual harassment?</h2> <hr/>	<p>A school with actual knowledge of [Title IX] sexual harassment in an education program or activity against a person in the united States must respond</p>
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2

VAWA “Big Four”

Sexual Assault 20 U.S.C. 1092(f)(6)(A)(v)

Domestic Violence 34 U.S.C. 12291(a)(8)

Dating Violence 34 U.S.C. 12291(a)(10)

Stalking 34 U.S.C. 12291(a)(30)

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5

Title IX – What is a Hostile Environment

Unwelcome conduct determined by a reasonable person to be **so severe, pervasive, and objectively offensive that it effectively denies a person’s equal access to the school’s education program or activity**

6

Title IX – What is a Hostile Environment

Severe: More than antagonistic, non-consensual, crass behavior—even if sex based—including simple acts of teasing and name calling. Something more **serious** is required.

7

Title IX – What is a Hostile Environment

Pervasive: Systemic or widespread. When talking about Title IX Sexual Harassment, also means *multiple* incidents of harassment. Usually one instance is not enough.

8

Title IX – What is a Hostile Environment

Objectively Offensive: Offensive to a reasonable person under the circumstances; not just the victim.

9

Title IX Sexual
Harassment
Must Be “In a
Program or
Activity”

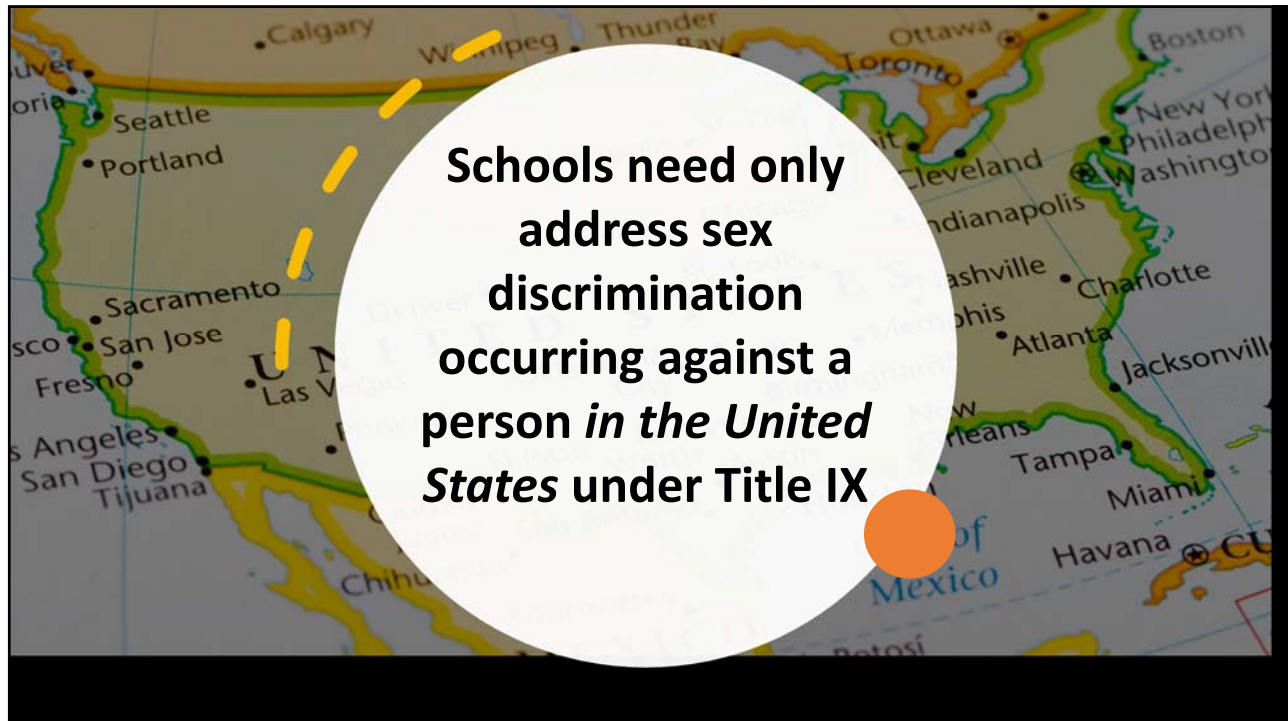


10

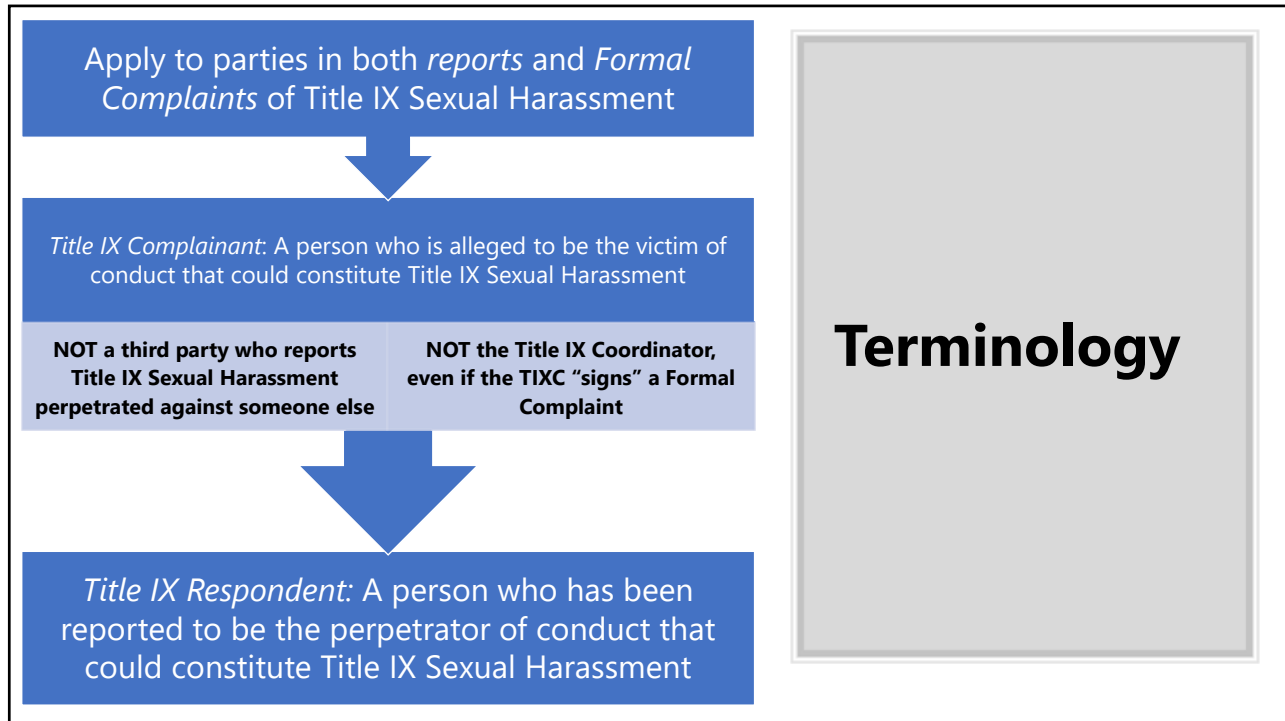


Program or Activity: Any location, events, or circumstance over which the school exhibits substantial control over both the alleged harasser and the “context” in which the harassment occurred

11



12



13

Board Policies on Harassment

Option 1: Policy 2:265 Title IX Sexual Harassment Procedure and related administrative procedures (for Title IX Sexual Harassment)

Option 2: Policy 2:260 Uniform Grievance Procedure (other sexual harassment, other violations of law and of board policy)

Option 3: Other rules or policies not related to SH

14

Title IX Coordinator must promptly, **even if no Formal Complaint is filed:**

- Contact the Title IX Complainant to discuss the availability of “supportive measures”
- Consider the Title IX Complainant’s wishes with respect to supportive measures
- Inform the Title IX Complainant of the availability of supportive measures with or without the filing of a formal complaint
- Explain the process for filing a Formal Complaint

New:
**Initial
Response**

15

Bias, Conflict, Prejudgment

The Title IX Coordinator or designee must not have a conflict of interest or bias for or against Complainants or Respondents generally or for or against any individual Complainant or Respondent. And that they not prejudice any matter before them.

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16

Bias

- Must not rely on sex stereotypes such as:
 - Women are “asking for it” based on actions or clothing
 - Men cannot be sexually assaulted
 - Women only decide they were assaulted after the fact due to regret or embarrassment
 - Men are more likely to be sexual aggressors
- Consider intersection of sex stereotypes with race, ability, sexuality, and gender identity

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17

Conflict of Interest

- Flexibility to choose employees or outsource adjudication functions
- No *per se* prohibited conflicts of interest when using school employees or individuals with histories of working in field of sexual violence as decisionmaker
- Caution against using generalizations to identify conflict of interest

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18

Pre-Judgment

Tips for avoiding pre-judgment of facts:

- Each case is fact-specific
- Keep an open mind
- Listen to facts presented

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