



# Title IX

## Oasis Charter Schools Employee Guidelines

# Title IX

The law states:

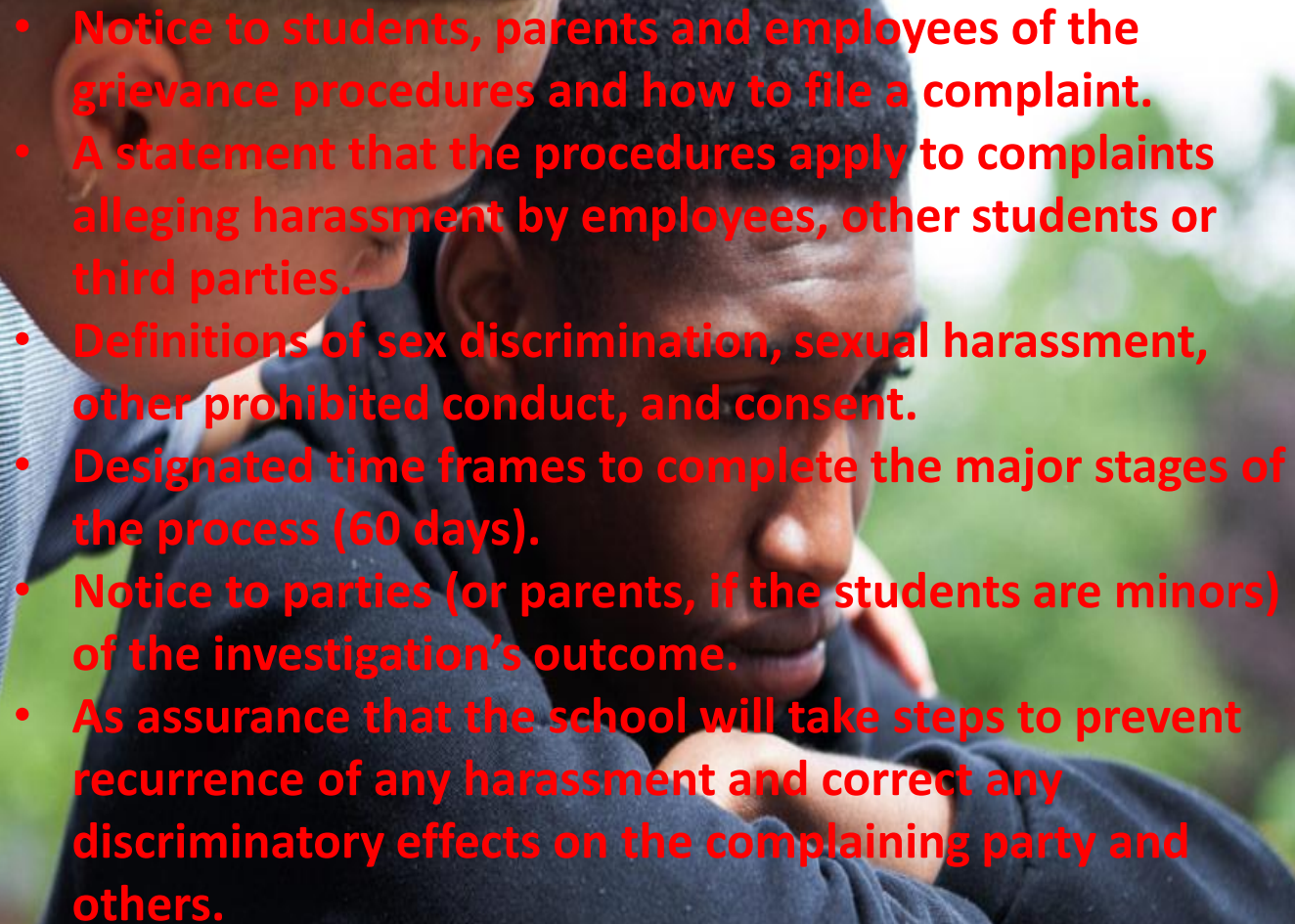
“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance” Title IX of the Educational Amendments of 1972

The purpose of Title IX is to protect those vulnerable in the education setting and to prevent recipients of Federal financial assistance from using the funds in a discriminatory manner.

## Important things to know about Title IX

- Title IX protects ALL people regardless of their sex.
- All Schools must have a Title IX Coordinator
- Schools must take immediate action to ensure a victim can continue their education free of ongoing sexual discrimination, violence or harassment.
- Schools must have an established procedure for handling Sexual Misconduct.
- Schools may not retaliate against a victim filing a complaint.
- In cases of sexual violence, schools are prohibited from resolving complaints through mediation.
- If a school fails to comply with the rules outlined in Title IX, the complainant should file a complaint with the U.S. Department of Education.
- Schools are required to protect pregnant and parenting students from discrimination.
- The School must conduct its own investigation promptly and reach a conclusion under its anti-harassment policy imposing any disciplinary sanctions regardless of the criminal investigation.
- The Office of Civil Rights enforces Title IX through administrative complaints brought by students or legal compliance review.



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- Notice to students, parents and employees of the grievance procedures and how to file a complaint.
  - A statement that the procedures apply to complaints alleging harassment by employees, other students or third parties.
  - Definitions of sex discrimination, sexual harassment, other prohibited conduct, and consent.
  - Designated time frames to complete the major stages of the process (60 days).
  - Notice to parties (or parents, if the students are minors) of the investigation's outcome.
  - As assurance that the school will take steps to prevent recurrence of any harassment and correct any discriminatory effects on the complaining party and others.

## Common Elements of Title IX Grievance Procedures

A promise of an adequate, reliable, and impartial investigation of complaints, including the opportunity for parties to present witnesses and other evidence.

A prohibition of retaliation (including intimidation, threats, coercion, or discrimination in any form through any medium) along with information on how to report subsequent problems and how the school will investigate them.

Use of preponderance of evidence standard (meaning it is more likely than not that harassment occurred) in determining whether a violation of the anti-discrimination policy occurred.

The right of both parties to appeal the outcome of the investigation

Common  
Elements of  
Title IX  
Grievance  
Procedures  
cont'd

## SCOPE OF COVERAGE – TITLE IX

- Title IX protects ALL students from sexual harassment:
- Female and Male Students
- Lesbian, Gay, Bi-Sexual, Transgender, and Questioning (LGBTQ) students
- Students with or without disabilities
- Students of Different Races and National Origins
- Title IX prohibits gender-based harassment defined as, “Nonsexual, unwelcome conduct based on the student’s actual or perceived sex (includes harassment based on gender identity, gender expression and nonconformity with gender stereotypes)”.

## SEXUAL HARASSMENT

- Unwanted sexual behavior, advances or requests for favors. Unwelcome verbal, visual, or physical **sexual** conduct.
- Sexual violence is a form of sexual harassment.
- Sexual violence refers to physical acts perpetrated against a person’s will or where a person is incapable of giving consent.

# SEXUAL HARASSMENT

- Sex based harassment can be carried out by school employees, other students, and third parties.
- Sex based harassment creates a hostile environment if the conduct is serious enough that it denies or limits a student's ability to participate in or benefit from the school's educational programs.



## Charter School Responsibilities

- All cases will be investigated regardless of whether the accuser resisted the sexual advance or request, but resistance is a clear demonstration of non-consent.
- Take appropriate steps to end the misconduct,
- Eliminate the effects of the misconduct, and
- Prevent the harassment from recurring.





# TITLE IX REPORTING



**When a student comes to you with a complaint, let them know early on that you are a mandated reporter.**

**Employees are expected to be compassionate listeners if a student discusses sexual violence with you.**



**The purpose of reporting is to:**

- **Prevent sex discrimination,**
- **Promptly address reported issues, and**
- **Limit the effects of harassment on the educational environment.**



# HOW TO RESPOND TO A REPORT OR COMPLAINT OF SEXUAL HARASSMENT

## *Always remember:*

If a student approaches you to report an incident, stop them early on to let them that if they are going to tell you about an unwanted sexual encounter – you are obligated to report it.



## **Determine:**

1. If the victim is **safe**. If not, ask if you can call the police department for them.
2. If the victim **wants or needs** medical attention. This is ultimately the victim's decision. Your role is to inform them of their options such as seeking medical attention, contacting local police department, contacting parents if student is a minor.

# How to Respond (cont'd)

Students that come to you to report assault, sexual violence, rape or any other violent crime, will likely be in distress!

## **YOUR RESPONSE MATTERS!**



## **What to do:**

- **Believe them!**
- **Use Active Listening Skills**
- **Listen without judgement and display empathy**
- **Let the individual lead the conversation**
- **Protect the person's privacy, but do not promise confidentiality.**
- **DO NOT act as an investigator, simply be compassionate and connect them to relevant resources.**

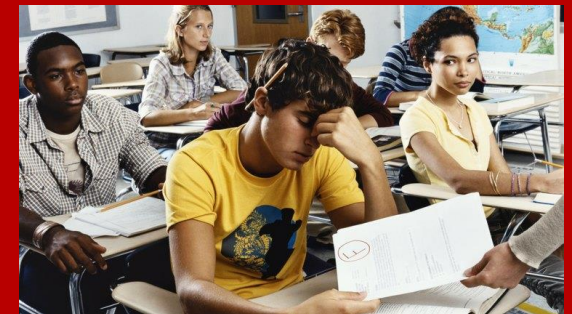
# RETALIATION

Under both Title VII (employee sexual harassment) and Title IX (student sexual harassment) it is unlawful to retaliate against an individual who has:

- Made a complaint of sexual harassment
- Participated in the investigation of such a complaint (i.e. testifying as a witness, providing proof, etc.); or
- Opposed conduct that is reasonably believed to violate Title VII or Title IX.

## Failure to Take Action

- Could result in civil liability for the school under Title IX
- Office of Civil Rights Enforcement Action
- Loss of all federal funding



## New Regulations established – May 6, 2020

Final Regulations require schools to:

1. Respond Promptly and Supportively to persons alleged to have been victimized by sexual harassment
2. Resolve allegations of sexual harassment promptly and accurately under a predictable, fair grievance process that provides due process protections to the alleged victim and perpetrators of sexual harassment; and
3. Effectively implement remedies for victims.





# COMPLIANCE WITH NEW REGULATIONS

- Effective August 14, 2020, every school that has a website must post important information about the school's Title IX policies and procedures on their website.
- The new Title IX Regulations specifically require schools to post on their websites:
  - The contact information for the school's Title IX Coordinator(s)
  - The school's non-discrimination policy, and
  - All Training materials used to train the schools Title IX personnel.
- Schools must ensure that reports can be made at any time, including during non-business hours, by using the Title IX Coordinator's listed telephone number or e-mail address or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

# **Title IX Coordinators for Oasis Charter Schools**

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