

# Title IX

## *Student Support Services*

Anaheim Union High School District  
501 North Crescent Way  
Anaheim, CA 92801

# WHAT IS TITLE IX?

## TITLE IX STATUTE 20 U.S.C §§ (1681-1688)

" No person in the United States shall, on the basis of sex (includes gender/ broader then male & female), 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."

## TITLE IX REGULATIONS 34 C.F.R Part 106 (8/14/20)

Prohibit discrimination on the basis of sex  
*and*  
Establish procedural requirements to include:  
Policy and detailed grievance procedure , a designation of Title IX Coordinator (s) as well as modifications of current sexual harassment policies including investigation procedures; and many more

# When must a school respond to Title IX sexual harassment?

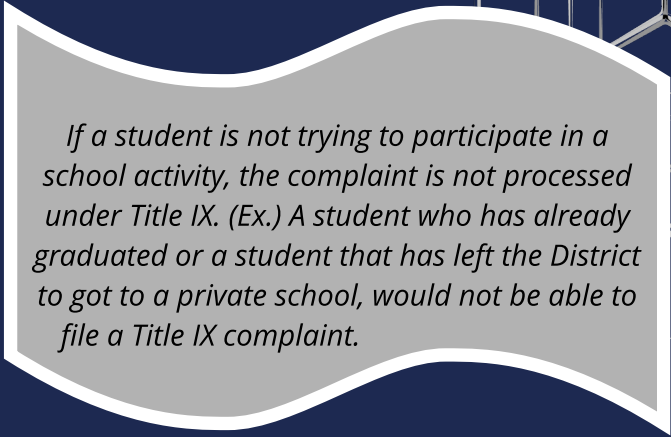
A school with actual knowledge of Title IX sexual harassment in an education program or activity against a person in the United States must respond as required under the new Title IX rules

**\*\*New proposed  
Title IX rules  
expected in  
April 2022\*\***





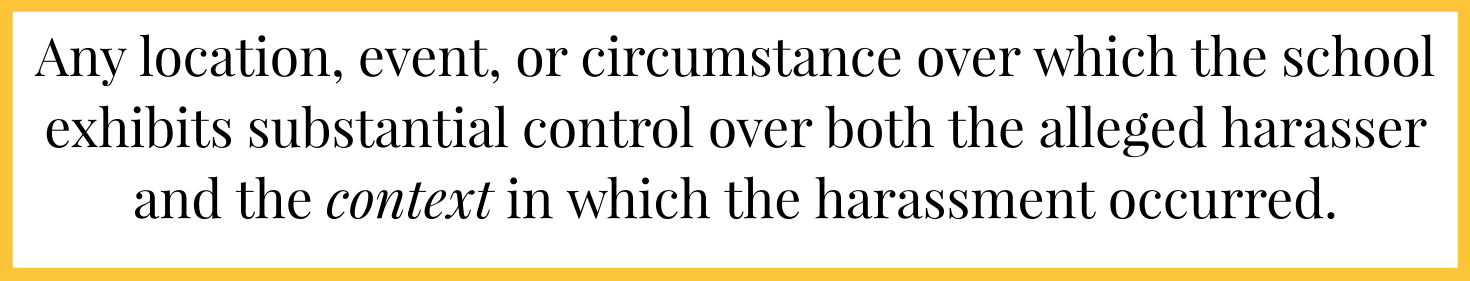
**\*\*Title IX  
Sexual Harassment  
must have happened "in a  
School Program or  
Activity"\*\***



*If a student is not trying to participate in a school activity, the complaint is not processed under Title IX. (Ex.) A student who has already graduated or a student that has left the District to go to a private school, would not be able to file a Title IX complaint.*



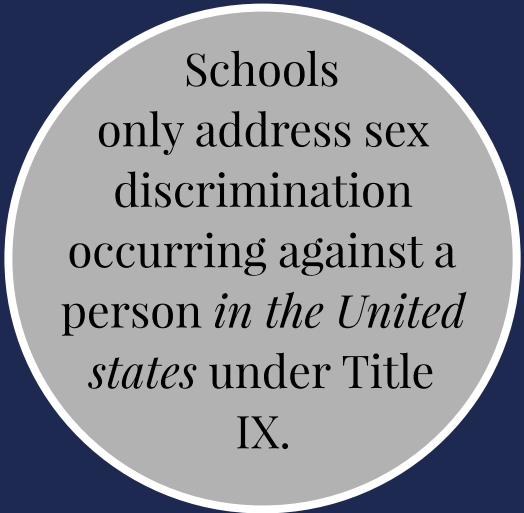
## **SCHOOL PROGRAM OR ACTIVITY:**



Any location, event, or circumstance over which the school exhibits substantial control over both the alleged harasser and the *context* in which the harassment occurred.



**AND...**



Schools only address sex discrimination occurring against a person *in the United states* under Title IX.

# *Under Title IX-What is the definition of Sexual Harassment?*

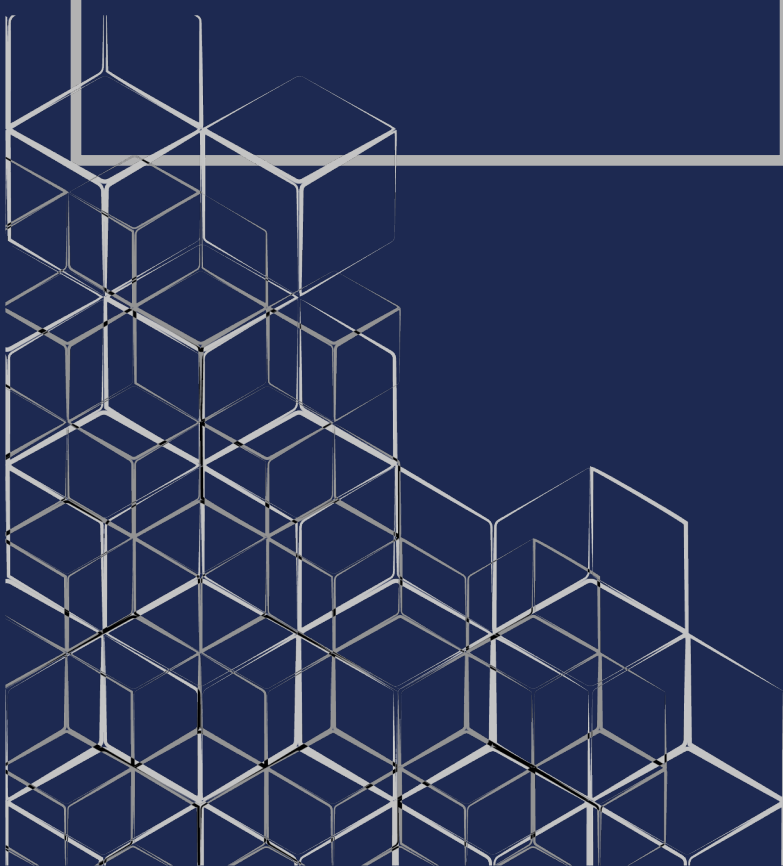
## **Old Definition**

(1) Unwelcome conduct determined by a reasonable person to be **severe, pervasive or persistent as to interfere with or limit a student's ability to participate in or benefit from school** services, activities, or opportunities

## **New Definition**

**(8/14/20)**

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.**



# TOP 4 INDICATORS

## IS IT SEVERE?

- Something more than just juvenile behavior among students
- Something more than behavior that is even antagonistic, non-consensual and crass
- Simple acts of teasing and name calling are not enough, even when based on sex

## IS IT PERVASIVE?

- Systemic, widespread
- Multiple incidents (*one incident is likely not enough*)
- Prohibits indifference to known harassment with the practical realities of responding to misconduct

## IS IT OBJECTIVELY OFFENSIVE?

- Constellation of surrounding circumstances, expectations, and relationships

## IS IT ON THE BASIS OF SEX?

- It is unlawful to discriminate against women because they are women and against men because they are men

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graph TD; A[Situation Occurs] --> B[Conduct that, if true, would be "Title IX Sexual Harassment"]; A --> C[Dismissal under Title IX Process OR Conduct that, if true, would not be "Title IX Sexual Harassment"]; B --> D[NEW Title IX Sexual Harassment adequate response]; C --> E[Proceed under another AUHSD policy];
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**Situation Occurs**

**Conduct that, if true, would be "Title IX Sexual Harassment"**

**NEW Title IX Sexual Harassment adequate response**

**Dismissal under Title IX Process**

**OR**

**Conduct that, if true, would not be "Title IX Sexual Harassment"**

**Proceed under another AUHSD policy**

**But ALWAYS consider whether another non "sexual harassment" policy or procedure applies**

# Title IX Process Outline

Complaint is made (informally or formally) by an individual alleging misconduct of a sexual nature

**CALL FOR CONSULT**  
Complaint involves an employee:  
**Title IX Coordinator: Brad Jackson**  
**714.999.3544**

**CALL FOR CONSULT**  
Complaint involves only students:  
**Title IX Coordinator: Sarah Anderson**  
**714.999.5654**

**Intake meeting with Title IX Coordinator**

- \* Discuss/Offer Supporting Measures
- \* Obtain written and signed complaint
- \* Consider need for emergency removal
- \* Offer informal resolution (if available)

\*Title IX Complaints are not anonymous and confidentiality is not guaranteed

Complaint **DOES NOT** fall under Title IX  
*or*  
Complaint does not file a formal complaint

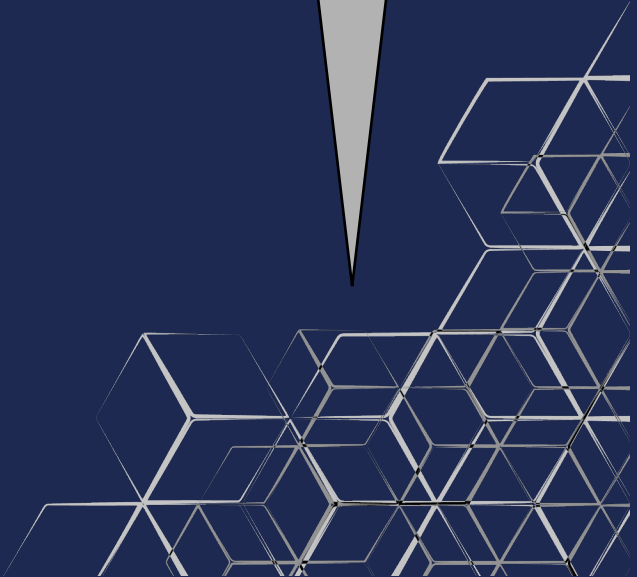
Complaint **DOES** fall under Title IX

**Title IX Coordinator shall:**

- \* Prepare dismissal notice or intake summary

**Complaint proceeds using internal District process**

- \* Board Policy 8708 (Students), complaints are investigated using the UCP (BP91200)
- \* Board Policy 6106 (Employees), Employee Complaint using BP 91204



## Title IX Coordinator shall:

- \* Prepare Notice of Allegations
- \* Assign to Investigator

*Student Complaint: Assistant Principal*  
*Employee Complaint: Director, HR*

## INVESTIGATION

\*Prepare notice to Complainant of Interview  
\* Interview Complainant  
\*If need to re-interview, new notice must be provided

Investigate thoroughly

\*Prepare notice to Respondent of Interview  
\* Interview Respondent  
\*If need to re-interview, new notice must be provided

Prepare **DRAFT** report of disputed and undisputed facts findings and packet of evidence

Provide draft report to both Complainant and Respondent

Revise report as necessary (adding additional evidence if needed) and prepare FINAL report of factual findings and packet of evidence.

Final Report to the Decision Maker:  
*Student Complaint: Principal*  
*Employee Complaint: Director, HR*



## DECISION-MAKING PROCESS

Review report of factual findings and evidence

*Written* cross-examination by Complainant and Respondent

Prepare **FINAL** determination.  
Provide final determination to the  
**Title IX Coordinator**

## TITLE IX COORDINATOR

Provides final determination of Responsibility to Complainant and Respondent with language about appeal rights

Ensures records are maintained

Implements Corrective Action Plan, if necessary

Appeal of students/student action is sent to  
*Manuel Colon*  
Appeal of employee action is sent to  
*Dr. Jaron Fried*

# FAQ'S

## ***What falls under the scope of Title IX?***

**Answer:** ALL educational programs and activities that receive federal funds must comply with Title IX. This definition also includes after-school programs and extracurricular activities.

## ***What counts as sex discrimination Under Title IX?***

**Answer:** Sex discrimination includes sexual harassment and gender-based harassment. Sexual harassment comes in many forms ranging from unwanted sexual comments or advances to cyberbully to any non-consensual sexual contact. Gender-based harassment is when an individual is harassed or bullied because they don't conform to gender stereotypes (for instance, a boy being bullied by his peers for wearing a dress to school).

## ***What are supportive measures a school must offer to complainants?***

**Answer:** Counseling Services, Extension of deadlines or course related adjustments, Modifications or change of schedule--to name a few.

## ***May a school accept reports of sexual harassment from individual who are not associated with the school in any way?***

**Answer:** Yes. A school may receive actual knowledge of sexual harassment from any person. There is no requirement that the person be participating in or attempting to participate in a school program or activity to report sexual harassment.

## ***Is a school required to respond if it has notice of alleged misconduct that could meet the definition of sexual harassment but is not certain whether the harassment has occurred?***

**Answer:** Yes. Actual knowledge refers to notice of conduct that *could* constitute sexual harassment. A complainant is "an individual who is alleged to be the victim of conduct that could constitute sexual harassment" and the definition of actual knowledge refers to "allegation of sexual harassment." Thus, the preamble explains that a school must respond promptly and appropriately when it receives notice of alleged facts that, if true, could be considered sexual harassment under the 2020 amendments.