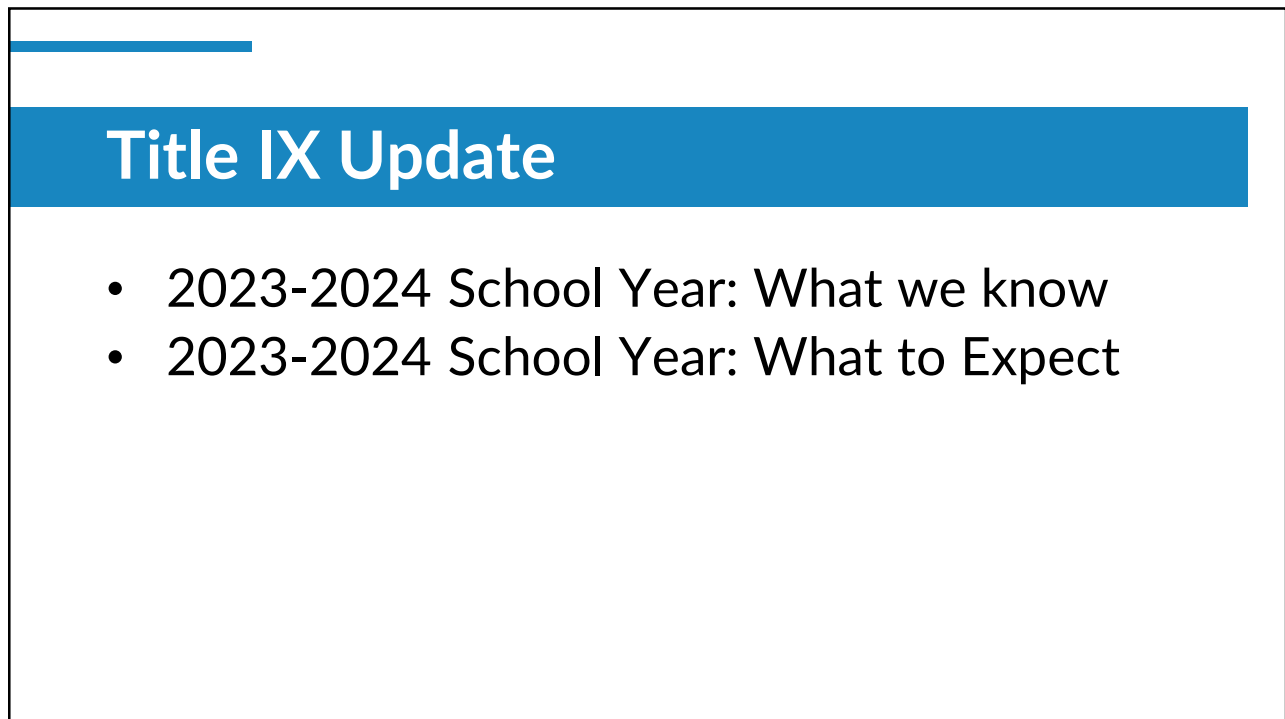




1



2

"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." 20 U.S.C. §§ 1681-1688.

3



Recruitment, Admissions, and Counseling

Financial Assistance

Athletics

Sex-Based Harassment

Treatment of Pregnant & Parenting Students

Discipline

Single-Sex Education

Employment

Retaliation

4

2023-2024 School Year: What we Know (and have learned)

5

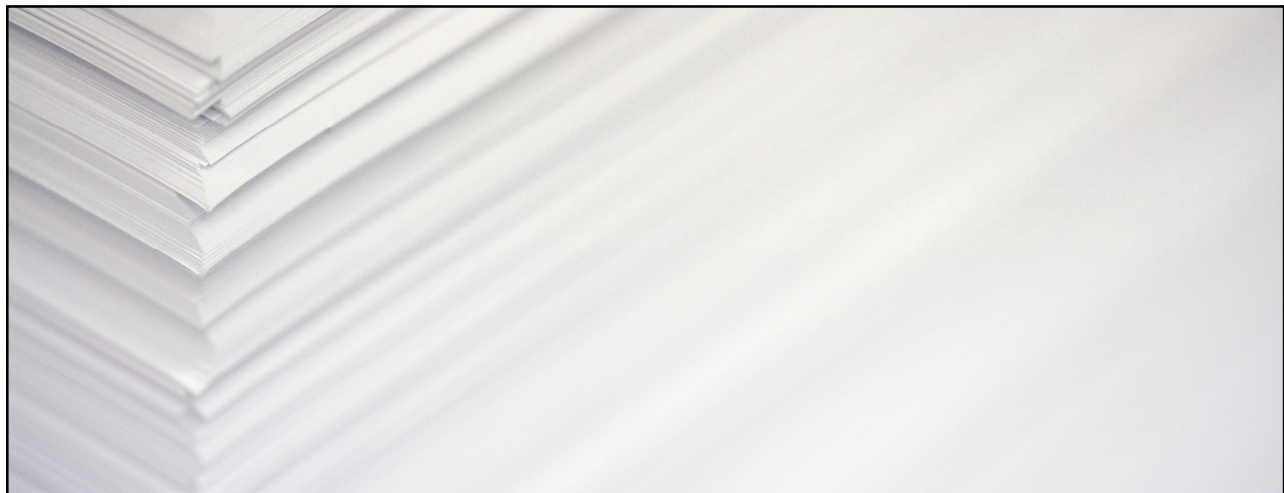
1

Rules for addressing sexual harassment are here to stay ... for now.

6



7



Title IX Regulations

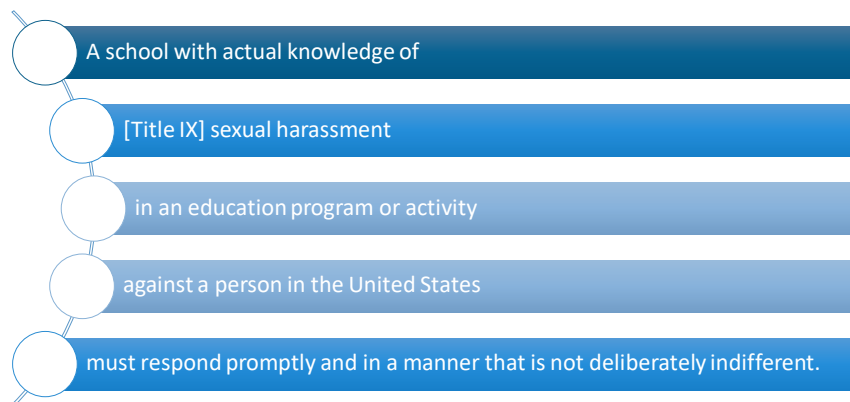
(34 C.F.R. Part 106 - Amended as of 8/14/2020)

- Prohibit discrimination on the basis of sex
- Establish procedural requirements
 - Policy + detailed grievance procedure
 - Designation of Title IX coordinator(s)
 - And many more requirements!

8

When and how must a school district respond to Sexual Harassment?

9



10

Title IX Sexual Harassment

Hostile Environment

Quid pro quo by an
employee

Sexual Assault
Domestic Violence
Dating Violence
Stalking

11

Title IX 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 recipient's education program or activity



12

2

Clear Communications and Procedures are Key

13

Title IX Grievance Process

- Initial Supportive Measures Meeting
- Written Formal Complaint
- Emergency Removal
- Dismissal
- Informal Resolution Process (where applicable)
- Investigation
- Sharing of Directly Related Evidence
- Sharing of Investigative Report
- Written Cross Examination (or Live Hearing)
- Written Determination
- Appeal

14

3

Train disciplinarians to notify Title IX Coordinator as soon as sex-based conduct is reported.

15

4

Not all sexual harassment allegations will fall under Title IX policy.
Consider all applicable policies.

16

If Sexual Harassment Does Not Meet Title IX Definition. . .

Must address sexual misconduct that does not meet the definition of sexual harassment under the 2020 amendments

Code of conduct

Prevention efforts

17

5

Promptly offer meaningful and appropriate supports.

18



19



20

New Final Title IX Rules: Expected October 2023

21



OCR Request for Comments

Notice of Proposed Rulemaking

22

Proposed Title IX Rules on Sexual Harassment: Released Summer 2022

23

Proposed Athletics Rule: Released April 2023

24

Resources

- [OCR Title IX Regs Q and A \(July 2021, updated June 2022\)](#)
- [Proposed Title IX Rules \(Released June/July 2022\)](#)
- [Fact Sheet re: Proposed Title IX Rules](#)
- [Proposed Title IX Athletics Rules \(Released April 2023\)](#)
- [Fact Sheet re: Proposed Title IX Rules re: Athletics](#)
- [OCR Resources for LGBTQI+ Students](#)
- [DOE Toolkit: Creating Inclusive and Nondiscriminatory Environments for LGBTQI+ Students](#)
- [Recent OCR Resolutions](#)
- [Franczek's Title IX Insights Blog](#)

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Thank you!

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