IDAHO K-12 TITLE IX PROFESSIONAL LEARNING COMMUNITY #2

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MEETINGS THROUGH JUNE

- ▶ 9 am MT/8 am PT 60 mins
 - ► Oct 8
 - ► Nov 12
 - ▶ Dec 10
 - ▶ Jan 14
 - ▶ Feb 11

- ► March 11
- ► April 8
- ► May 13
- ▶ June 10

ICS training through state

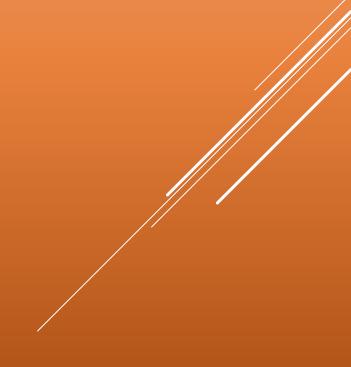
EXECUTIVE ORDER NO. 2024-08

EO 2024-08 DEFENDING WOMEN'S SPORTS ACT

- https://gov.idaho.gov/wp-content/uploads/2024/08/eo-2024-08.pdf
- ► Title IX regulatory amendments regarding eligibility for athletic teams NOT published for final implementation
 - ▶ BUT if they had, we have the Fairness in Women's Sports Act (Idaho Code 33-6201 et seq)
 - AND the new Title IX regs (enjoined in Idaho) discuss application opposing state laws + supremacy clause
- ► WHAT DOES THIS MEAN FOR YOU??

CASE SCENARIOS

WHAT'S COME UP FOR YOU?



SCENARIO #1

- ► As a Title IX Coordinator:
 - ▶ What do you want to know about this situation?
 - ▶ How do you assess what to do next?
 - ► What role can the team coach play in handling this situation?

IMPORTANT DEFINITIONS – 34 CFR 106.30

- ► Actual knowledge Notice of sexual harassment or allegations there of to the TIX Coordinator OR to ANY employee of an elementary or secondary school
- ► Formal Complaint A document <u>filed by the</u>
 <u>complainant</u> or <u>signed by the TIXC</u> alleging sexual
 harassment against a respondent requesting the school investigate
 - Complainant must be participating in or attempting to participate in an educational program or activity

IMPORTANT DEFINITIONS – 34 CFR 106.30

- ▶ Sexual Harassment conduct on the basis of sex that is:
 - ▶ Quid pro quo by an employee (conditioning of a benefit, help, etc. on participation in sexual contact); OR
 - ▶ Unwelcome conduct that is so severe, pervasive and objectively offensive that it effectively denies access; OR
 - ► Sexual assault forcible or nonforcible sex offense; OR

IMPORTANT DEFINITIONS – 34 CFR 106.30

- ► Sexual Harassment (con't) conduct on the basis of sex that is:
 - ▶ Dating violence violence committed within an intimate or romantic relationship; OR
 - ▶ Domestic violence misdemeanor or felony crime; OR
 - ▶ Stalking a course of conduct directed at a specific person that would cause a reasonable person fear for their safety or other's safety or to suffer substantial emotional distress.

RESPONSE WITH OR WITHOUT FORMAL COMPLAINT – 34 CFR 106.44

- ► When you have actual knowledge of sexual harassment in an education program or activity must respond in a way that is not deliberately indifferent
- ▶You must:
 - 1. Treat complainants and respondents equitably
 - 2. Follow a 106.45 compliant grievance process BEFORE implementing disciplinary measures or other actions that are not supportive measures

RESPONSE WITH OR WITHOUT FORMAL COMPLAINT – 34 CFR 106.44

- ►Title IX Coordinator should promptly contact the complainant to:
 - discuss the availability of supportive measures,
 - ▶ consider their wishes, and
 - explain the process for filing a formal complaint
- ▶ Document, document, document!

SCENARIO #1

- ► What do you do if the student files a formal complaint?
- ►What do you do if the student doesn't want to file a formal complaint?

WHAT QUESTIONS OR CONCERNS HAVE ARISEN FOR YOU THIS MONTH?

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