IDAHO K-12 TITLE IX PROFESSIONAL LEARNING COMMUNITY #3

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October 2024

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MEETINGS THROUGH JUNE

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

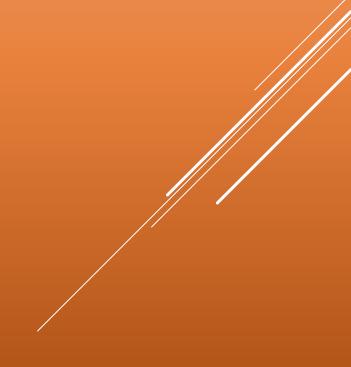
- ► March 11
- ► April 8
- ► May 13
- ▶June 10

UPDATES

- ► ICS training through state
- ▶ Other Training Opportunities
- ► Complaints re Athletics

CASE SCENARIOS

WHAT'S COME UP FOR YOU?



SCENARIO

- ▶ 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

Students - Emergency removal can only be done for sexual harassment on an emergency basis that:

- 1. Uses an individualized safety and risk analysis,
- 2. Determines an immediate threat from the allegations of sexual harassment that justify removal, and
- 3. Provides an opportunity of notice and to challenge the decision immediately

Cannot otherwise remove without engaging in compliant grievance process!

Staff – A non-student employee respondent can be placed on administrative leave pending a compliant grievance process.

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

- 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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