

Title IX

Compliance Overview

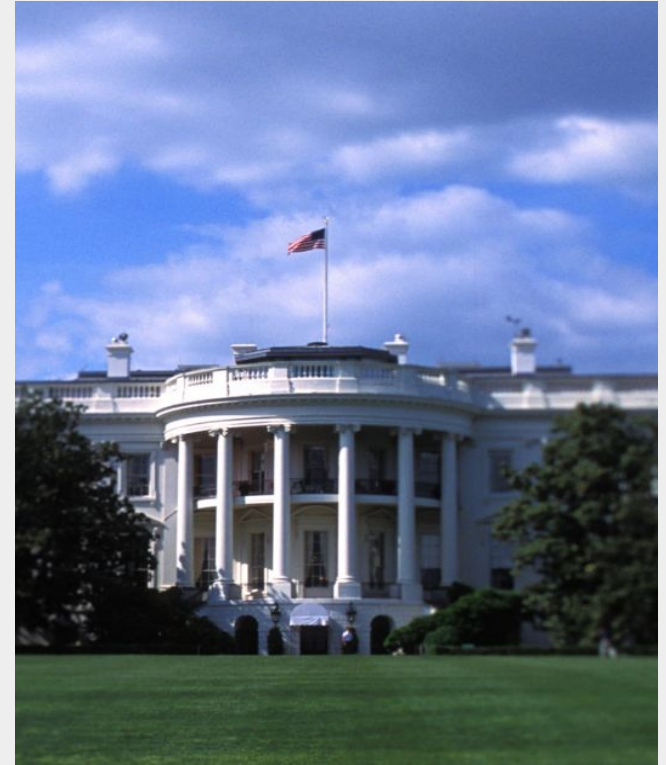
HAMILTON
SCHOOL DISTRICT



What is Title IX?

“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.”

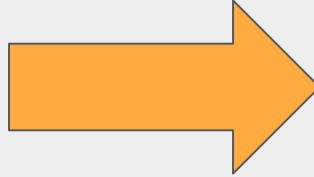
- Title IX governs the way in which institutions must handle accusations of sexual harassment to ensure that investigations are transparent and fair.
- Title IX protects *students and employees* from any sexual harassment within the school district.
- Title IX’s goal is to ensure that all students can access their educational programs and activities even if they encounter negative behavior; and it also protects employees of educational institutions so that they can work without being subject to unlawful discrimination/ harassment based on sex.



Title IX - Office of Civil Rights

Office of the Civil Rights:

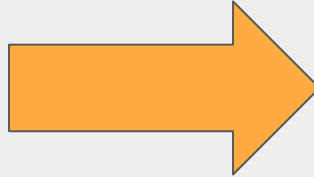
They provide schools and institutions with detailed guidance about how to comply with the law. The OCR also acts as a 'watchdog', keeping the door open for students, parents and school employees to file complaints when they believe a school has violated Title IX's provisions.



2020 Title IX Final Rule

- Defines Title IX Sexual Harassment
- Details a schools' obligations on notice of sexual harassment: when a school must respond or dismiss
- Details the schools' obligation under a complaint grievance procedure, including supportive measures and allowing parties to have an advisor present for the well being of all parties
- Students/parents can file complaints with OCR when they believe the school has violated Title IX

Hamilton School District Response:



- [District Policy 411.4](#)
Title IX Sexual Harassment Prohibited
 - This policy states "All district employees are required to report any incidence(s) of sexual harassment that they witness or are otherwise made aware of"

Categories of Title IX Sexual Harassment

According to Title IX sexual harassment means conduct on the basis of sex that includes one or more of the following:

**Quid Pro
Quo**

**Hostile
Environment**

**Sexual
Assault**

**Dating
Violence**

**Domestic
Abuse**

Stalking

Quid Pro Quo Sexual Harassment

Quid pro quo is a Latin term that means “this for that.” In other words, something is given or withheld in exchange for receipt of a benefit and/or avoidance of a punishment.



Occurs when:

An employee of the school conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct

" Example: A teacher offers a higher grade to student or a coach makes a spot on the team contingent on sexual favors."

Hostile Environment Sexual Harassment

Occurs when:

*Unwelcome conduct that a reasonable person would find so severe, pervasive, **and** objectively offensive that is effectively **denies** a person equal access to the recipient's education programs or activities.*

Example: When the student feels the need to skip class because another student makes sexual threats on a daily basis.



Criminal Sexual Assault

- *The intentional touching of the clothed or unclothed body parts OR*
- *The forced touching by the victim of the actor's clothed or unclothed body parts;*
- *For the purpose of sexual degradation, sexual gratification, or sexual humiliation;*
- *Without consent of the victim;*
- *Including instances where the victim is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication.*



Sexual Assault

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.



Four Categories

Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim, including instances in which the victim is incapable of giving consent.

Fondling: The touching of private body parts of another person for the purpose of sexual gratification forcibly and/or against their will. Sodomy and Sexual Assault with an object is also included.

Incest: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory rape: Non-forcible sexual intercourse with a person under the statutory age of consent.

Dating/Domestic Violence



Dating violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

(Title IX determines the existence of the relationship by considering the length of the relationship, the type of relationship and the frequency of interaction between those involved.)

Domestic violence: Violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shared a child in common, by a person who is cohabiting or has cohabited with the victim as a spouse or intimate partner, or by a person similarly situated to a spouse of the victim.

Stalking

Engaging in a course of conduct directed at a specific person, based on their sex, that would cause a reasonable person to:

- Fear for their safety or the safety of others
- Suffer substantial emotional distress



Retaliation



Any adverse action taken against someone for reporting or participating in a Title IX investigation or complaint, **including threats, intimidation, or other actions** that would discourage a reasonable person from engaging in protected activity.” The anti-retaliation provision covers the parties and anyone who participates in the investigation process

Reporting: Take Action!

If **ANY** district employee knows about an allegation of sexual harassment, the district or school is deemed to have 'actual knowledge'. Failure to report could be considered '**deliberate indifference**'.



Once the district knows, the **regulations require that specific actions be taken**. The Title IX coordinator or designee is responsible for coordinating the investigation process and offer supportive measures.



Reporting suspected sexual harassment allows the district to support our students and employees.

Both the notice of nondiscrimination and the Title IX coordinator contact information should be widely distributed and easily located on the school's website and in various publications, including bulletins, announcements, publications, catalogs, recruitment materials and applications for admission and employment.

How to Report

- Reports can be submitted anytime to the Title IX Coordinator. Please see our [Title IX information page](#) on the HSD website for more information.
- Incidents that fall under [Policy 411.4](#) may also trigger your mandatory child abuse reporting responsibilities under state law. Employees are required to report any incidents of student or employee sexual harassment.
- Reports should be made as soon as possible so the investigative process can begin.

Title IX Coordinator Contact Information:

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