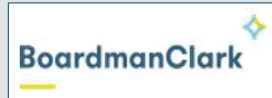


# Title IX Training : Module 1

A comprehensive overview of the  
2020 Title IX Regulations for  
School District Title IX Coordinators

August 10 and August 12, 2020



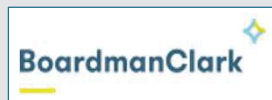
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## Questions...

### Website posting of training materials:

- Will there be one location that a school district will be able to find all of the training materials that should be posted on the district's website?

*All "materials" from the various modules will be posted on the same WASB web pages where you access links to the live/recorded presentations of each module. (All of the materials from the mandatory modules will be on the same web page.)*



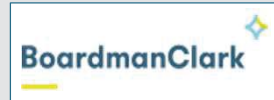
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## Questions...

### Website posting of training materials:

- When the regulations require items to be posted on the school district's website, do those items need to be available to the public or just internally (e.g., pages accessible only by students and staff) ?

*The regulations expect that Title IX notices and the district's Title IX training materials will be posted on web pages that are open to the public.*

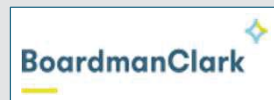


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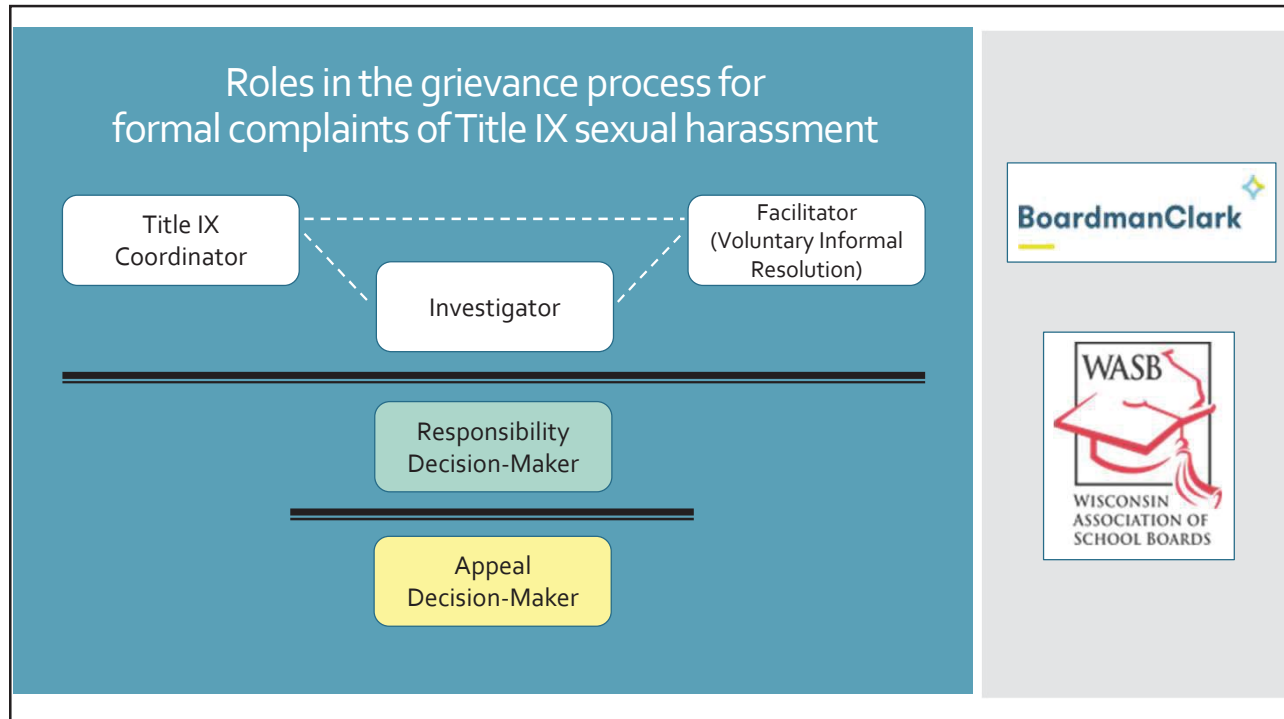
## Questions...

### The Title IX "Roles":

- Do districts ever have two Title IX Coordinators - one that focuses on student matters and one that focuses on employment matters? Yes.
- A Title IX Coordinator can be an investigator? Yes.
- If your investigator is someone other than the Title IX Coordinator, then the "grievance process" effectively requires 4 different people (coordinator, investigator, decision-maker, and appeal decision-maker)? Yes.
- Can the coordinator assist the investigator in the investigation process? Yes.



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## Questions...

Screening Reports/Complaints:

- Assume we initially assess a reported incident and determine that the report does not appear to allege Title IX sexual harassment (so that we are initially handling the incident as a code of conduct matter or as a “regular” student harassment complaint). However, looking into it a little more, we determine that there may be conduct that could meet the Title IX standards, what do we do at that point?

Logos for BoardmanClark and WASB (Wisconsin Association of School Boards) are visible on the right side of the slide.

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## The Comparatively Narrow Definition of Sexual Harassment Under Title IX

Student Matters

Conduct Expectations: Local Policies and Handbooks

"PI 9" Pupil Harassment

Title IX Sexual Harassment



Employment Matters

Conduct Expectations: Local Policies and Handbooks

WFEA & Title VII Sexual Harassment

Title IX Sexual Harassment

See pp. 6-7 of Module 1 materials

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## Questions...

The definition of "sexual harassment" under Title IX:

The definition of Title IX sexual harassment includes the following:

- "sexual assault," as defined in 20 U.S.C. 1092(f)(6)(A)(v),
- "stalking," as defined in 34 U.S.C. 12291(a)(30).
- "dating violence," as defined in 34 U.S.C. 12291(a)(10).
- "domestic violence," as defined in 34 U.S.C. 12291(a)(8).

What are those definitions? *See the next slides.*

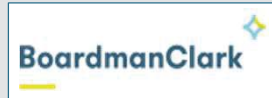



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## Questions...

The definition of "sexual harassment" under Title IX:

"Sexual assault," as defined in 20 U.S.C. 1092(f)(6)(A)(v), means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, including but not limited to rape, sexual assault with an object, and groping.



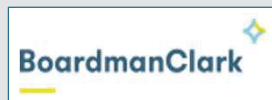
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## Questions...

The definition of "sexual harassment" under Title IX:

"Stalking," as defined in 34 U.S.C. 12291(a)(30), as defined in 34 U.S.C. 12291(a)(30), means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1. fear for his or her safety or the safety of others; or
2. suffer substantial emotional distress.



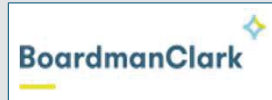
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## Questions...

### The definition of "sexual harassment" under Title IX:

"Dating violence," as defined in 34 U.S.C. 12291(a)(10), means violence committed by a person-

1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - a. The length of the relationship;
  - b. The type of relationship; and
  - c. The frequency of interaction between the persons involved in the relationship.

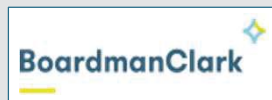


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## Questions...

### The definition of "sexual harassment" under Title IX:

Domestic violence," as defined in 34 U.S.C. 12291(a)(8), includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the state's domestic or family violence laws, or by any other person against an adult or youth victim who is protected from that person's acts under the state's domestic or family violence laws.



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## Questions...

### Confidentiality:

- If the identities of complainants and respondents are confidential, can the Title IX Coordinator inform the superintendent that the district has received a report or formal complaint of Title IX sexual harassment? Yes.
- Does the answer change if the superintendent may be a decision-maker? No. *Awareness of the complaint would be unlikely to be seen as creating a conflict of interest or an issue with bias.*

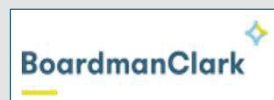


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## Questions...

### Harmonizing other Processes:

- Can another investigation (e.g., law enforcement, child abuse, DPI licensing) affect a school district's Title IX investigation? Particularly with very serious conduct such as a sexual assault or an improper staff/student relationship, outside entities would almost certainly be involved. How would that affect the Title IX grievance process and timelines?



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# Questions...

## Harmonizing other Processes:

- What is our obligation if someone says they just want tell us about a situation, but they don't want to file formal complaint?

