

Title IX Is More Than Sports....

It's about Sexual Harassment, Pregnant &
Married Students, STEM and More...

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April 15, 2016



Tell Us What You Know

- ▶ Who is your Title IX Coordinator?
- ▶ Where is your Title IX info displayed?
- ▶ Are your teachers covered by Title IX?
- ▶ Does Title IX include STEM?
- ▶ Do you have grievance procedure protocols for students and employees?
- ▶ Have you ever had to discharge an employee because of sexual harassment?
- ▶ What is victim blaming?
- ▶ What have you done recently to reduce bullying and sexual harassment at your school?

Learning Objectives:

- ▶ Identify major Title IX issues
- ▶ Identify fundamental Title IX compliance requirements
- ▶ Identify common forms of sexual harassment
- ▶ Recognize sexual harassment covered by Title IX
- ▶ Understand Grievance Procedures



What Is Title IX?

- ▶ Title IX of the Education Amendments of 1972 was the first comprehensive federal law to prohibit sex discrimination in education.
- ▶ It covers women and men as well as girls and boys in any educational institution or program that receives federal funds. This includes local school districts, colleges and universities, for-profit schools, technical education agencies, libraries, and museums.
- ▶ It also protects staff members including teachers and other employees.

Title IX Affects All Areas of Education

- ▶ Recruitment, admissions and housing
- ▶ Technical education
- ▶ Pregnant, parenting, and/or married students
- ▶ Science, technology, engineering, and math (STEM)
- ▶ Sexual harassment and assault
- ▶ Comparable facilities and access to course offerings
- ▶ Financial assistance; student health services and insurance benefits
- ▶ Harassment based on gender identity
- ▶ Athletics

Get the Word Out about Title IX

- ▶ Schools must appoint at least one employee to coordinate Title IX compliance.
- ▶ Parents, students, teachers & employees in any Idaho public school district should know their Title IX coordinator's name.
- ▶ Title IX Info should include contact information for Title IX Coordinator.
- ▶ All Title IX info should be available and easily accessible on an ongoing basis.

Is My School Subject to Title IX?

- ▶ More than athletics, Title IX requires recipients of federal education funding to:
- ▶ Evaluate their current policies and practices, adopt and publish a policy against sex discrimination
- ▶ Implement grievance procedures protocols providing for prompt and equitable resolution of student and employee discrimination complaints.

Title IX Goal

- ▶ To have schools provide a learning environment free from discrimination based on sex.
- ▶ By meeting this goal, schools can avoid liability under Title IX.
- ▶ Keep your school free from hostile environments.

Title IX & STEM

- ▶ Sex segregation persists in career and technical education, with women making up about 90 percent of the students enrolled in courses leading to traditionally female occupations such as cosmetology, child care, and clerical work.



Title IX & STEM

- ▶ Women receive only 17 percent of computer science and 18 percent of engineering-related technology bachelor's degrees.
- ▶ American women are victims of “learned helplessness.”
- ▶ There is subtle & not-so-subtle harassment of women & girls in non-traditional fields of work & study.



Post a Female Pic in Shop Class



- ▶ Diversity does not always mean inclusion.
- ▶ Women in STEM fields often have issues with inclusion.
- ▶ Pictures affirm that if you can see it, you can do it.
- ▶ Art & media are powerful influences.

Pregnancy, Parenting & Title IX

- ▶ Pregnant and parenting students are often steered toward separate and less rigorous schools. In 2013, OCR clarified the Title IX ban on schools forcing them out.



Title IX Protects Everyone from Sex Discrimination, including Sexual Violence

- ▶ Male, female & LGBT
- ▶ Persons with or without disabilities
- ▶ Different races
- ▶ Different immigration or citizenship statuses



Sexual Harassment and Title IX

More than Sports!

- ▶ There is far more litigation under Title IX for sexual harassment than for inequities in athletic programs, facilities, etc.



What is Sexual Harassment?

Unwelcome conduct of a sexual nature

- ▶ Including sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature
- ▶ Sex of harasser and person being harassed is irrelevant

Sexual Harassment Covered by Title IX

- ▶ Sexual harassment that denies or limits, on the basis of sex, a student's ability to participate in or to receive benefits, services, or opportunities in a school's programming.
- ▶ Harassment that creates a hostile environment
- ▶ There can be no retaliation for those reporting the wrongdoing

Scope of the Problem in the USA

- ▶ Nationally, sexual harassment pervades the lives of students. Nearly half of students in grades 7–12 experienced harassment in the 2010–11 school year (56 percent of girls and 40 percent of boys). Of that number, 87 percent said it had a negative effect on them.



Scope of Idaho's Problem

- ▶ The next two slides highlight statewide results of selected Idaho YRBS measures for injury, sexual behaviors, and other health-related measures .
- ▶ These summary results are representative of all Idaho high school students who attended a traditional public or charter school in Idaho during the 2014/2015 school year.

Idaho YRBS 2014–15: Do You See Any PTSD Symptoms Here????

- ▶ 28% – Carried a weapon in the past 30 days
- ▶ 23% – Were in a physical fight during the past 12 months
- ▶ 5% – Did not go to school because they felt unsafe at school or on their way to or from school on at least 1 day during the past 30 days
- ▶ 7% – Have ever been forced to have sexual intercourse when they did not want to
- ▶ 9% – Were hit, slapped, or physically hurt on purpose by someone they were dating in the past 12 months
- ▶ 26% – were bullied on school property
- ▶ 14% – had texted, e-mailed, or posted electronically a revealing or sexual photo of themselves during the past 30 days



Idaho YRBS 2014–15: Possible PTSD Symptoms cont.

- ▶ 12% – Were the victim of teasing or name calling because of their weight, size, or physical appearance during the past 12 months
- ▶ 32% – Felt sad or hopeless for 2 or more weeks in a row so that they stopped doing some usual activities during the past 12 months
- ▶ 21% – Did something to purposely hurt themselves without wanting to die during the past 12 months
- ▶ 12% – Were the victim of teasing or name calling because someone thought they were gay, lesbian, or bisexual during the past 12 months
- ▶ 20% – Seriously considered attempting suicide

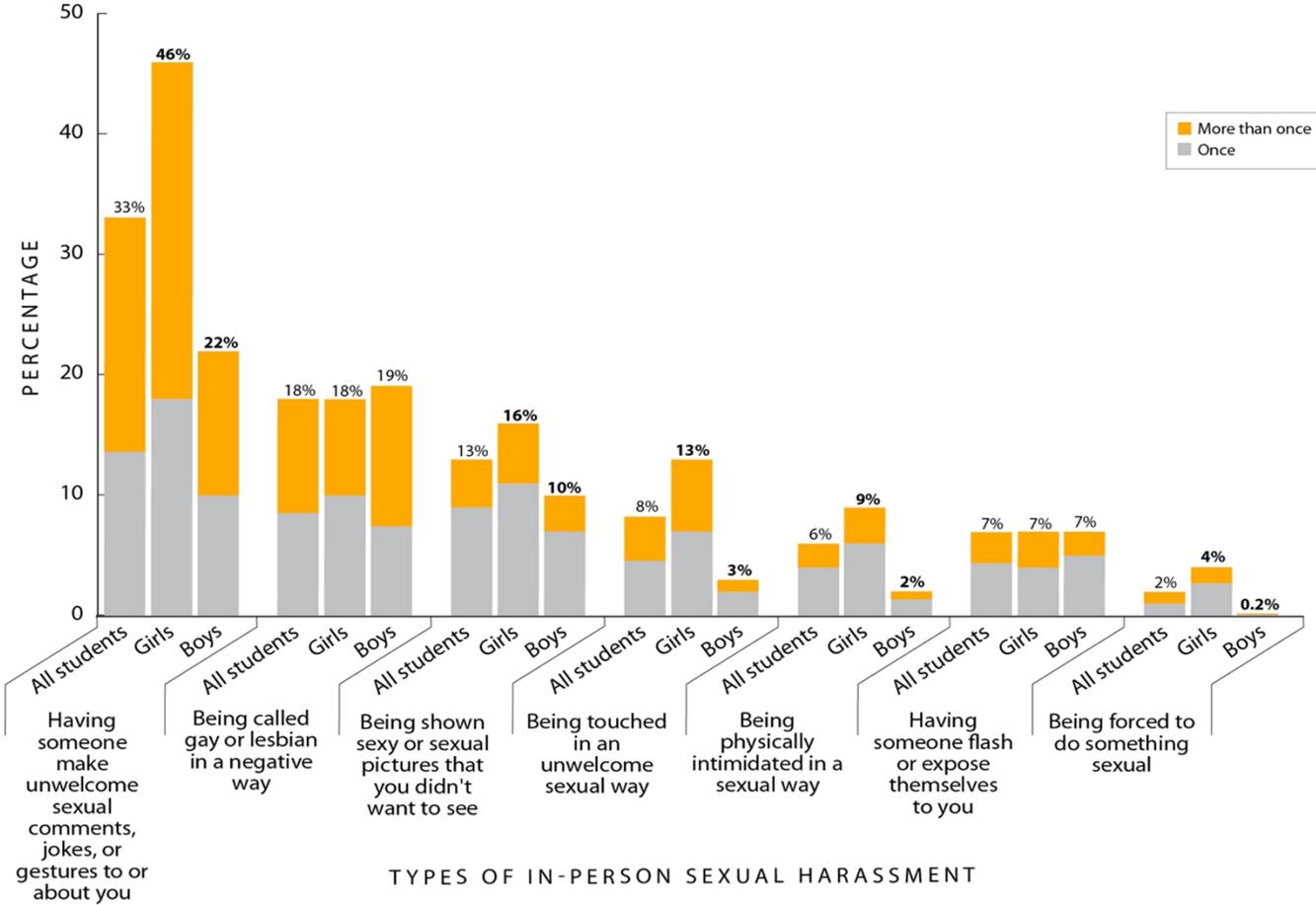


Making the Connection: Sexual Violence & Sexual Harassment

- ▶ Sexual violence is a form of sexual harassment covered by Title IX
- ▶ Sexual violence is:
 - Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol or because of an intellectual or other disability
 - Includes, rape, sexual assault and battery, and sexual coercion



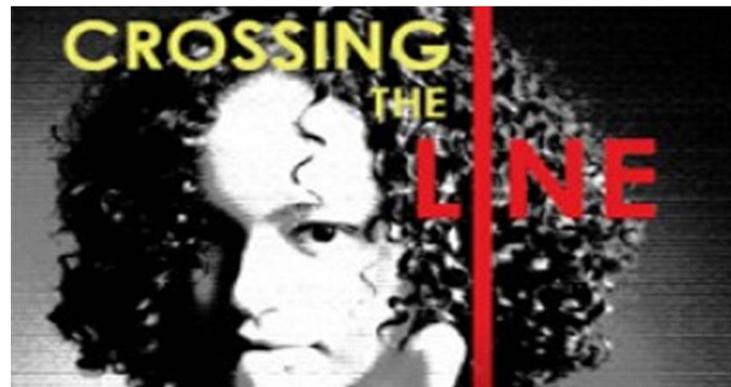
Types of Sexual Harassment Students Experienced in Person, by Gender



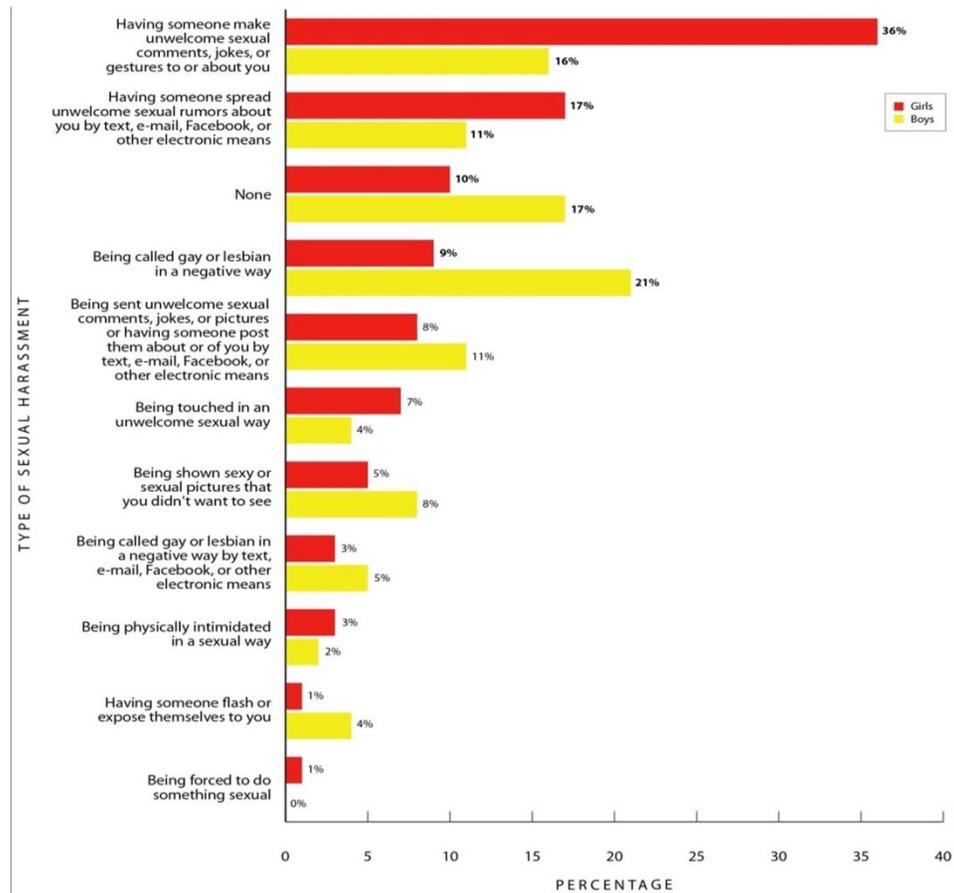
Notes: **Bold** numbers indicate statistically significant gender differences at the 95 percent level. Base=survey respondents (n=1,965 students), 1,002 girls and 963 boys in grades 7–12. Source: AAUW sexual harassment survey, May–June 2011.

Hostile Environment

- ▶ Conduct sufficiently serious that it interferes with or limits a student's ability to participate in or benefit from the school's program.
- ▶ A single, severe incident may be enough to constitute a hostile environment.



Sexual Harassment Incidents That Had the Most Negative Effect on Students, by Gender



Notes: **Bold** numbers indicate statistically significant gender differences at the 95 percent level. Base= survey respondents who indicated that they had experienced sexual harassment in person or online since the beginning of the school year (n=931 students), 541 girls and 390 boys in grades 7-12. Source: AAUW sexual harassment survey, May-June 2011.

Title IX Protects Students Harassed, Abused & Assaulted by School Employees

- ▶ As the OCR explains in addition to the usual forms of sexual harassment, in some circumstances, non sexual conduct may arise to the level of sexual harassment.
- ▶ OCR states “ a teacher repeatedly hugging and putting his or her arms around students under inappropriate circumstances could create a hostile environment.”
- ▶ Quid pro quo harassment occurs if a teacher or other employee conditions an educational decision or benefit on the student’s submission to unwelcome sexual conduct. The student has been treated differently, or his or her ability to participate in or benefit from the school’s program has been denied or limited, on the basis of sex in violation of Title IX regulations.

School Responsibilities

- ▶ Write and widely distribute a policy against sex discrimination & sexual violence
- ▶ Appoint a Title IX coordinator to oversee all complaints
- ▶ Respond promptly & effectively to complaints
- ▶ Perform adequate, reliable and impartial investigations of complaints.

Posting of Title IX Notice of Nondiscrimination

- ▶ Must be widely distributed to all students, parents of students, employees, applicants for admission and employment and other relevant people.
- ▶ Should be available and easily accessible on an ongoing basis
- ▶ Must include contact information for Title IX Coordinator



Title IX Coordinator

- ▶ Oversees complaints
- ▶ Identifies and addresses patterns or systemic problems that arise
- ▶ Available to meet with students as needed
- ▶ Should not have job responsibilities that create a conflict of interest



Title IX & Laws Requiring Mandatory Reporting

Teachers and counselors may be good people for students to talk with about harassment or violence, but they are subject to mandatory reporting laws.

Mandatory reporters include:

- ▶ Teachers, principals & other school staff
- ▶ Counselors, nurses, and other mental health professionals
- ▶ Law enforcement officers
- ▶ Social workers

If the student is 18 or older, the mandatory reporting law does not apply.



Title IX Student Rights

- ▶ Schools must provide reasonable accommodations regardless of a survivor's decision to undergo a school investigation or the status of the investigation.
- ▶ Breadth of accommodations may be limited if survivor declines to pursue investigation.



Accommodation Rights without a School Investigation

- ▶ Support services include medical, counseling or academic tutoring
- ▶ Changed course schedules, assignments, or exams.
- ▶ Increased supervision or security at locations or activities where the violence occurred.

Accommodations Provided While Investigation Is Under Way

Accommodations during & after an investigation will depend on the specific nature of the situation, but may include:

- ▶ Providing an escort that victim can move safely between classes
- ▶ Ensuring that victim & perpetrator do not share classes
- ▶ Moving victim or perpetrator to another school
- ▶ Providing medical, counseling & academic support services
- ▶ Arranging for extra time to complete or retake classes
- ▶ Review any disciplinary actions taken against the victim that may have a causal connection between the sexual violence & the misconduct that resulted in the disciplinary action.

No Victim Blaming

- ▶ Perpetrators are responsible for sexual violence, however the actions & the integrity of victims often receive intense scrutiny.
- ▶ What was the person wearing?
- ▶ Was the person drinking?
- ▶ What was the person wearing?
- ▶ Was the person asking for it?
- ▶ Why didn't the person say "no"?
- ▶ Why didn't the person fight back?

What Administrators Need to Do

- ▶ Believe survivors
- ▶ Empower yourself & your staff by learning key policies & procedures survivors need
- ▶ Review your policies
- ▶ Allocate resources
- ▶ Collect accurate data



Administrators & Staff Should Know the Following:

- ▶ What constitutes sexual violence
- ▶ How to file a report or complaint
- ▶ What to do if a student is being stalked
- ▶ What constitutes confidentiality
- ▶ What are mandated reporting requirements
- ▶ How to identify and intervene in victim blaming
- ▶ What are the symptoms of PTSD
- ▶ How to accommodate survivors in cases of class transfers or grade corrections.

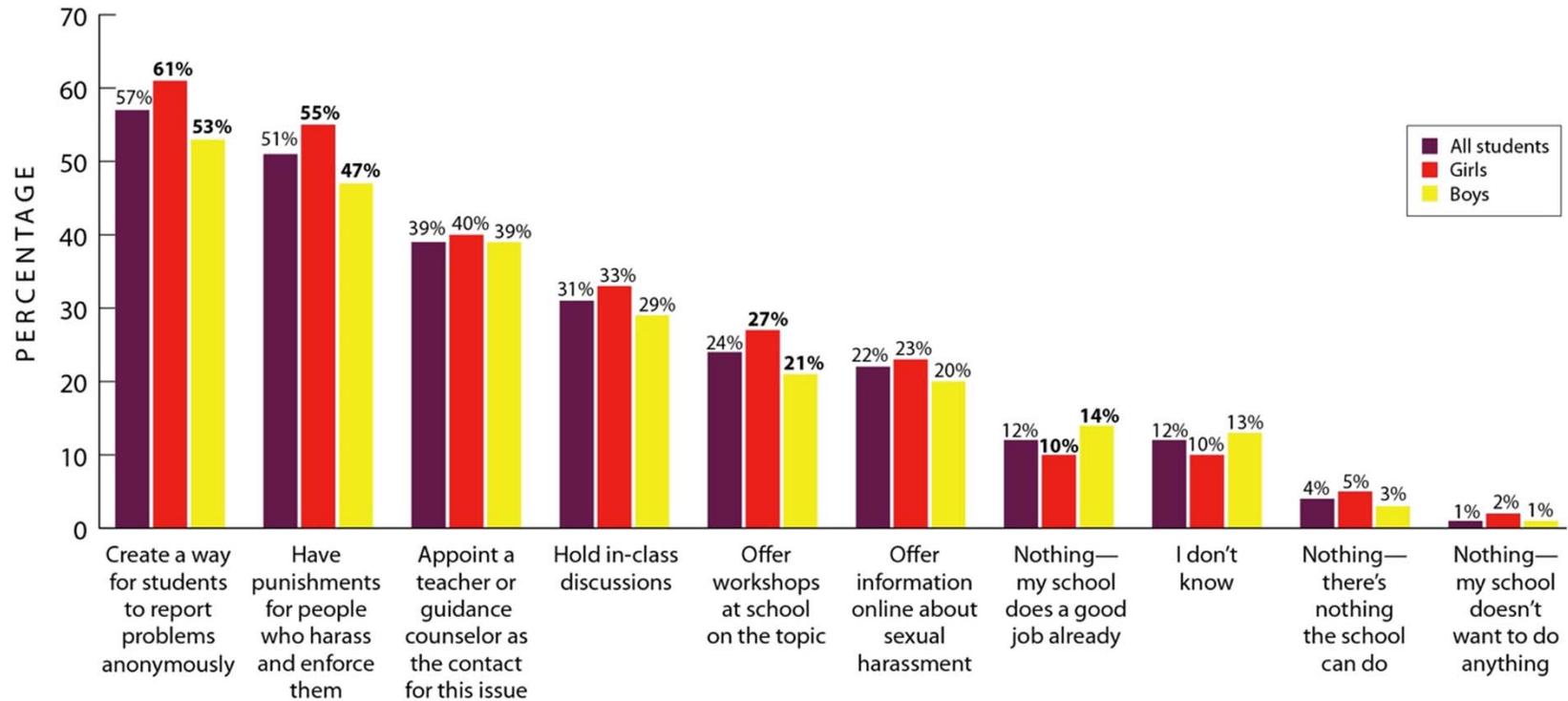


Administrators & Staff Should Know the Following cont.

- ▶ What to do if a survivor requests that an accused perpetrator receives a class transfer
- ▶ What special considerations are needed for international or undocumented students.
- ▶ Teach respect & civility



Student Suggestions for Reducing Sexual Harassment at School, by Gender



SUGGESTIONS FOR REDUCING SEXUAL HARASSMENT

Notes: **Bold** numbers indicate statistically significant gender differences at the 95 percent level. Base=survey respondents (n=1,965 students), 1,002 girls and 963 boys in grades 7–12.
 Source: AAUW sexual harassment survey, May–June 2011.

Students Should:

- ▶ Break the silence about these issues with a prevention program
- ▶ Know their rights
- ▶ Pay attention to campus culture by practicing bystander intervention when they see or hear abusive behavior.
- ▶ Use media or art to draw attention to the issue



The Hunting Ground



- ▶ An exposé of rape crimes on U.S. college campuses, their institutional cover-ups, and the devastating toll they take on students and their families.
- ▶ A section of the film is focused on [Jameis Winston](#), the former star [quarterback](#) for the [Florida State Seminoles football](#) team (now with the [Tampa Bay Buccaneers](#)), and the accusation of sexual assault against him while at [Florida State](#). His accuser, Erica Kinsman, publicly discusses the incident for the first time.

Wrap-up

- ▶ Questions, Discussion & Scenarios



Handouts: Paper & Online

- ▶ US Dept. of Ed., OCR – Title IX Coordinator Letter
- ▶ Sample: Title IX Notice – Idaho Virtual Academy
- ▶ Sample: Bullying, Harassment, or Intimidation Reporting Form – Howard County Public School System
- ▶ Sample – Grievance Procedures for Title IX Altoona Area School District
- ▶ IDOE Bullying & Harassment: Scenarios 1–7



Resources

- ▶ American Assn of University Women Research
 - Crossing the Line
 - Hostile Hallways
 - General website info
- ▶ Annie Kerrick, J.D. Boise State University, Director of Title IX/ADA/504 Compliance
- ▶ IDOE Report Bullying & Harassment: A Current Perspective
- ▶ IDOE Youth Risk Behavior Study
- ▶ Know Your Title IX – website
- ▶ The Hunting Ground Movie & Action Toolkit



Although these resources have been written with the guidance of legal experts, the information in this presentation does not constitute legal advice. You are encouraged to contact a lawyer to discuss any specific Title IX issues.