

# Title IX Point of Contact Training

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# Agenda

- Changes and Definitions
- An overview of the new Title IX process
- Pregnancy & Related Conditions
- Bullying
- Cases and Practice Scenarios
- Additional Information for the year



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# Objectives

- To understand the new Title IX regulations effective August 1.
- To understand the new changes to the Title IX Process.
- Know the new definitions and language for Title IX and be able to apply it to practice scenarios.
- Be able to complete an intake and supportive measures meeting as well as conduct an interview for Title IX investigations.
- Understand student pregnancy and bullying policy.



# Changes and Definitions



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# Concurrent Regulations

- The 2024 Regulation apply only to sex discrimination alleged to have occurred on or after August 1, 2024.
- Conduct alleged to have occurred prior to August 1, 2024 use the regulations in place at the time the alleged behavior occurred.



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# Confidential and Non-Confidential Employees

- All non-confidential employees must notify the Title IX Coordinator of information about conduct that could reasonably constitute sex discrimination.
  - Deliberate Indifference!
- Districts may designate confidential employees
  - Must notify all employees and students of confidential employee's identities.



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# Sex-Based Harassment

- “Our Big Five”
  - Quid Pro Quo
  - Sexual Assault
  - Dating Violence
  - Domestic Violence
  - Stalking

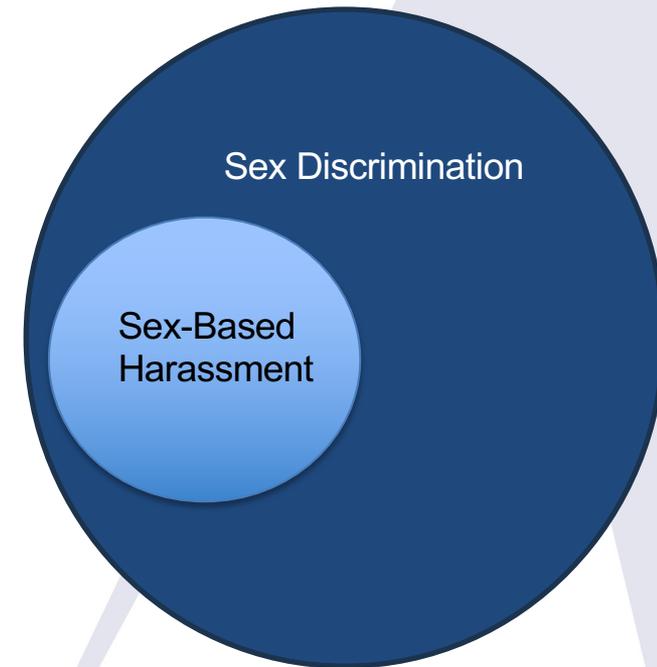


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# Sex Discrimination

Discrimination on the basis of sex includes:

- Sex Stereotypes
- Sex Characteristics
- Pregnancy or Related Conditions
- Sexual Orientation
- Gender Identity
- “More than de minimis harm”



# Quid Pro Quo

- An authorized employee, agent, or person of the educational institution
- Conditioning the provision of an aid, benefit, or service of the educational institution
- On an individual's participation in unwelcome sexual conduct



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# Examples of Quid Pro Quo

- “Sleep with me and you will receive an A”
- “Your low grade had nothing to do with you not wanting to go out with me”
- “If you don’t sleep with me, I won’t renew your position”
- “Go for a drink with me, and I’ll make sure you get that raise you’ve been seeking”
- “Come to my room tonight at this conference so we can talk about that recommendation you asked me for. I feel like I need to get to know you better.”



# Dating Violence

- Violence or threat of violence
- Committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim
- Where the existence of such a relationship will be determined by considering the length of the relationship, the type of the relationship, and the frequency of interactions



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# Examples of Dating Violence

- Intimidation
- Name calling and put downs
- Maintaining control over the victim's financial or other resources
- Threats to commit suicide or homicide if the victim ends the relationship
- Attempts to isolate the victim from friends or family
- Encouraging others to engage in such behaviors



# Sexual Assault

- Rape (sexual penetration—anal or vaginal—however slight with any body party or object without consent)
- Forced sexual acts, including oral sex
- Fondling (touching of the private body parts of another person without consent and for the purpose of sexual gratification)
- Incest
- Statutory Rape



# Examples of Sexual Assault

- Forced vaginal or anal penetration with a body part or object
- Forced oral sex (giving or receiving)
- Unwelcome touching or groping of the breast, genitalia, or buttocks
- The use of coercion, threats, force, or intimidation to compel another person to initiate or continue sexual activity against the person's will
- Sexual activity with a person who is substantially physically or mentally impaired by illness, alcohol, or drugs, or who is physically incapable of communicating, asleep, or unconscious
- Sexual activity with a person who is unable to consent because of age or ability



# Stalking

- A course of conduct
- Directed at a specific person
- That would cause a reasonable person to feel fear for their safety or the safety of another or suffer substantial emotional distress



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# Examples of Stalking

- Calling, texting, emailing, or mailing the victim's repeatedly at home or work
- Repeated, uninvited appearances at the victim's residence or workplace
- Breaking into the victim's home or vehicle
- Stealing the victim's belongings
- Checking the victim's electronic devices or social media accounts
- Reading a person's mail or other private writings or communications



# Domestic Violence

- Felony or misdemeanor crimes of violence
- Committed by:
  - The victim's current or former spouse or intimate partner
  - A person with whom the victim shares a child
  - A person cohabitating with or who has cohabitated with the victim either a spouse or intimate partner
  - A person similarly situated to a spouse of the victim under state domestic or family violence laws
  - Any other person against an adult or youth victim who is protected from that person's acts under state domestic or family violence laws



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# Practice

- I'm going to read a situation, and you will decide which "big five" the situation falls under.
- Answers to choose from:
  - Quid Pro Quo
  - Sexual Assault
  - Domestic Violence
  - Dating Violence
  - Stalking



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# Hostile Environment Harassment

- Unwelcome sex-based conduct that
- Based on the totality of the circumstances
  - Is subjectively and objectively offensive **AND**
  - Is so severe **OR** pervasive
  - That it **limits or denies** a person's ability to participate in or benefit from the recipient's education program or activity



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# Retaliation

- Intimidation, threats, coercion, or discrimination against any person
- By the school/district, a student, an employee, or other person...
  - “For the purpose of interfering with any right or privilege under Title IX” **OR**
  - Because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing the Title IX grievance process”



# Practice

- I'm going to read a scenario and you tell me if its Hostile Environment Harassment or Retaliation.



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# The New Title IX Process

2024-2025 School Year



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# Reports and Complaints

- No more “Formal Complaint” requirement.
- Complaint:
  - “Oral or written request to the Recipient that objectively can be understood as a request for the Recipient to investigate and make a determination about alleged discrimination”
- Complaints require action when they are made to any non-confidential employee.



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# Intake

- Will be online when school starts!
- Included information needed:
  - Reporting Party Information
  - Complainant Information
  - Respondent Information
  - Allegations
  - What type of Conduct
  - Witnesses
  - Additional Information



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# Supportive Measures

- The purpose of supportive measures:
  - Restore or preserve access
  - Protect safety of parties or educational environment
  - Provide support during Resolution Process
- May not unreasonably burden a party
- May not be for punitive or disciplinary reasons
- Must be without fee or charge
- Supportive Measures can now be challenged



# Students with Disabilities

- Title IX Coordinator is required to consult with:
  - One or more members of the student's IEP team and/or 504 team or one or more members of the group of persons responsible for the student's placement decision.
- To determine how to comply with the requirements of IDEA and Section 504 of the Rehabilitation Act.
- Includes decision related to Emergency Removal.



# Removals

- Done by the Title IX Coordinator
- Emergency removal is based on an individualized safety and risk analysis
- Only available when necessary to protect a student or other individual from immediate threat to physical health or safety
- Must provide notice and an opportunity to challenge immediately after the removal
- Consider other laws such as state discipline laws and IDEA/Section 504



# Dismissals

- Unable to identify Respondent after reasonable steps to do so
- Respondent no longer participating in education program or employed by School/District
- Complainant withdraws all or a portion of complaint and any remaining conduct would not be discrimination under Title IX
- Alleged conduct, if proven, would not be discrimination under Title IX
  - School/District must make reasonable efforts to clarify allegations before dismissal



# Title IX Requirements

§ 106.45 provides a Civil Rights Resolution Process for resolving complaints

- Must treat parties equitably
- Require Title IX Coordinator, Investigators, or Decision Maker have no conflict of interest or bias
- Presume that Respondent is not responsible for sex discrimination
- Advisors not required, but parents/guardians have the right to participate



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# Title IX Requirements

- Take reasonable steps to protect the privacy of the parties and witnesses
- Cannot restrict ability of parties to:
  - Obtain and present evidence
  - Consult with family members, confidential resources, or Advisors
  - Otherwise prepare for or participate in the Resolution Process
- Require an objective evaluation of relevant evidence and not otherwise impermissible
- Respondent requirements apply only to individuals
  - Schools/Districts are not considered Respondents in policy or practice complaints



# Investigations

- Adequate, reliable, and impartial
- Gather evidence; it is our job.
- Permit parties to present facts, witnesses, and inculpatory and exculpatory evidence
- Evidence that is off limits:
  - Medical treatment records
  - Privileged information
  - Information about the person's past sexual history unless to show
    - Someone other than the respondent engaged in the misconduct
    - Behavior between the parties in the past or future to show consent in the instance in question



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# Investigator DOs and DONTs

## DOs

- Ensure you have no conflict of interest or bias and remain impartial
- Treat all parties equitably
- Provide an equal opportunity to the parties to present evidence and witnesses
- Objectively evaluate all evidence for relevance

## DONTs

- Conduct surprise interviews
- Discriminate in the investigation or rely on stereotypes or preconceived notions
- Delay or extend the investigation timeline absent good cause
- Restrict the parties' ability to discuss allegations or gather evidence



# New Confidentiality Rule

- “ A Recipient must take reasonable steps to prevent and address the parties’ and their advisors’ unauthorized disclosure of information and evidence obtained solely through the grievance procedures”

§ 106.45, Final Rule pg. 1547

§ 106.46, Final Rule pg. 1554



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# Writing Finding Reports

- The Allegations
  - What day did you receive the complaint?
  - Put all allegations
- Investigation
  - Summary of investigation
  - Security footage description
  - What was learned in interviews
  - Student statements
  - Other evidence
- Findings and Remedies
  - Preponderance of the evidence standard
- We are still using the D20 outline as the format
- The investigator writes the allegation and the investigation summary.
  - The Title IX Evidence Summary will be a great tool to help with this section.
  - Must be full sentences and in paragraph format.
- The decision maker does the findings and remedies
  - The decision maker writes this section.



# What not to put in findings report:

- Special Education information
- Names of parties or witnesses
- Previous Title IX cases
- Behavior patterns of the Complainant or Respondent
- Student Discipline



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# Whole Group Discussion

- What are some tips and tricks you use as an administrator when you are writing a findings report?



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# Decision Making and Appeals

- Decision Maker is given all the evidence and decides if a violation occurred by the preponderance of the evidence.
- There are three reasons someone can appeal a decision:
  - A procedural irregularity that would change the outcome.
  - New evidence that would change the outcome.
  - The Title IX Coordinator, investigator, or decision makers had a conflict of interest or bias for or against Complainants or Respondents that would change the outcome.



# Informal Resolution

- All parties must voluntarily consent to participate.
- Parties may:
  - Request Informal Resolution at any time prior to determination
  - Withdraw from Informal Resolution at any time prior to agreement
- Parties are precluded from initiation or resuming investigation and resolution process if agreement is reached.



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# Informal Resolution

- Forms of IR not defined (facilitated dialogue, shuttle negotiation, restorative practices, etc.)
- Regulations do not specify “Informal Resolution” procedures
- Resolution may include restrictions the school/district could have imposed as disciplinary sanctions or remedies
- Informal Resolution Facilitator:
  - May not serve as Investigator or Decision-Maker
  - Must be trained in Informal Resolution process and Title IX



# Discipline

- How to code in Infinite Campus?
- Who imputes the what?



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# Pregnancy & Related Conditions



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# Pregnancy & Related Conditions

Includes the full spectrum of process and events connected with pregnancy.

- Pregnancy, childbirth, termination of pregnancy, or lactation
- Related medical conditions
- Recovery therefrom



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# Pregnancy Obligations

- School/District may not discriminate in its program/activity against any student or employee based on the their current, potential, or past pregnancy or related conditions
- When a pregnant student informs any employee of their pregnancy or related conditions, the employee must inform the student of:
  - The Title IX Coordinator’s contact information
  - Information about support available through the Title IX Coordinator’s
- Title IX Coordinator’s reaches out to coordinate actions to ensure equal access
- Treat pregnancy or related conditions in the “same manner” and under the same policies as other temporary medical conditions



# Modifications

- Reasonable modifications to policies, practices, or procedures
  - Based on individualized needs
  - In consultation with the student
- Student (or parent/guardian) has discretion to accept or decline a reasonable modification
- Examples:
  - Breaks during class to express breast milk, breastfeed, eat, or drink
  - Intermittent absences to attend medical appointments
  - Changes to academic or work schedule
  - Access to online education
  - Extensions for coursework or rescheduling of tests



# Lactation Spaces

- Each school/location must ensure access to lactation spaces for student and employees
  - Cannot be a bathroom
  - Must be clean, shielded from view, and free from intrusion
- Please touch base with me about your building's lactation space.



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# Bullying



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# Bullying

- Bullying is student-on-student behavior.
- The use of coercion or intimidation to obtain control over another person or to cause physical, mental, or emotional harm to another person.
- Bullying can occur through written, verbal, or electronically transmitted expressions (i.e., cyberbullying) or by means of a physical act or gesture.



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# Bullying

Bullying is prohibited against any student for any reason, including but not limited to any such behavior that is directed toward a student on the basis of their:

- academic performance
- any basis protected by federal and state law whether such characteristic(s) is actual or perceived including
  - Disability or the need for special education services
  - Race, creed, color
  - Sex, sexual orientation, gender identity, gender expression, marital status
  - National origin, religion, ancestry



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# Practice

- I'm going to read a scenario and you tell me if its bullying



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**Let's walk through some cases!**



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# Practice Cases

- We are going to work through two cases
- Our tasks:
  - Intake
  - Supportive Measures
  - Practice interviews



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# Elementary Case 1

Two second-grade boys, Max and Eli, are in the bathroom. Max is going to pee when Eli comes up to Max while his pants are down and sticks his fingers in between his butt cheeks.



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# Secondary Case 1

Two freshman boys, Max and Eli, are in the bathroom. Max is going to pee when Eli comes up to Max while his pants are down and sticks his fingers in between his butt cheeks.



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# Case 1 Intake

- With your partner practice going through the intake form with only the information from the scenario.
- Take turns!



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# Case 1 Supportive Measure

- With your partner one of you be Max and one of you be Eli.
- Produce a supportive measures plan for your student.



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# Case 1 Complainant Interview

- I am now the Complainant.
- As a whole team come up with questions and interview me as the Complainant.



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# Case 1 Respondent Interview

- I am the Respondent.
- As a whole team come up with questions and interview me as the Respondent.



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# Case Debrief

- What are your thoughts!
- What went well?
- What didn't go well?
- What surprised you?
- What were you thinking about the case at the beginning and what did you learn during the case?



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## Elementary Case 2

Ella and Riley are in the same fourth-grade class. Ella does not know Riley, except that they sit beside each other in class. Ella comes into your office very upset because Riley touched her thigh two weeks ago, and Riley touched her thigh and back again today.



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## Secondary Case 2

- Ella is in chemistry class with Riley. Ella does not know Riley, except that they sit beside each other in class. Ella comes into your office very upset because Riley touched her thigh two weeks ago, and Riley touched her thigh and back again today.



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# Case 2 intake form

- With your partner practice going through the intake form with only the information from the scenario.
- Take turns!



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# Case 2 Supportive Measures

- With your partner one of you be Riley and one of you be Ella.
- Produce a supportive measures plan for your student.



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# Case 2 Respondent Interview

- I am the Respondent.
- As a whole team come up with questions and interview me as the Respondent.



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# Case 2 Complainant Interview

- I am now the Complainant.
- As a whole team come up with questions and interview me as the Complainant.



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# Case Debrief

- What are your thoughts!
- What went well?
- What didn't go well?
- What surprised you?
- What were you thinking about the case at the beginning and what did you learn during the case?



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# Practice Scenarios

Elementary



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# Scenario 1

Two third-grade students, Gypsy and Rose, are best friends. Rose has noticed that something is odd with Gypsy's relationship with the counselor Miss. Dee Dee. Miss. Dee Dee and Gypsy spend a lot of time together. Gypsy is always in her office, and sometimes Miss Dee Dee brings Gypsy home after school. Rose comes into your office and shares this information with you.



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## Scenario 2

Storm and Damien are best friends and enjoy playing together at recess. One day, Mrs. Bunker is supervising recess and comes into your office to tell you what she saw. Mrs. Bunker wanted to let you know that at recess, she saw Storm and Damien playing tag, but at one point, Storm tagged Damien on the butt.



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## Scenario 3

Arianna and Chris are in the same kindergarten class. One day at recess, while playing on the field, Chris asks Arianna to hide behind the slide where the teacher won't see them. When behind the slide, Chris asks Arianna if she will show him her private information because he is curious. Arianna agrees, and she shows Chris her genitals, and Chris shows Arianna his genitals.



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## Scenario 4

Tatiana and Britney are holding hands and walking across the playground. Tatiana's mom pulls up and sees her daughter holding hands with Britney. She comes into Mr. Xavier's office extremely upset. She is yelling at Mr. Xavier, stating that the child holding her child's hand must be forcing her, and she knows that her daughter is uncomfortable.



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# Scenario 5

Koda and Tucker play games with friends during their free time. Koda made several comments about how Tucker smells. Koda even went as far as to say, “Tucker’s butt smell, and he can smell it from across the room.” Tucker comes into Mrs. Crist’s office crying because Tucker has hurt his feelings.



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# Practice Scenarios

Secondary



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# Scenario 1

A student reports that their ex-boyfriend has been sexually harassing them. The ex-boyfriend claims that the student is angry about them breaking up with them. An investigation finds insufficient evidence to support the allegations and concludes the ex-boyfriend is not responsible for sexual harassment. The ex-boyfriend tells the football team to “be careful” because the student might do this to them, too.



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## Scenario 2

A teacher gets a report from Casey saying that another student, Riley, is making comments that Casey does not like while at school. These comments occur in person, in classrooms, during lunch, and at sporting events and other activities at school. Casey says that Riley regularly makes disruptive comments in class with sex-based opinions like LGBTQ people should not be able to adopt children or get married. Riley also says that being transgender “is not real,” that boys are boys and girls are girls, and that parents who let their children transition genders are committing “child abuse.” Casey says that outside of class, Riley has used slurs such as “fa\*\*ot” and “dyk\*” when talking to others and mocks gay people by utilizing a lisp when pretending to talk like a gay man or making fun of a gay woman’s short hairstyles and “butch” clothes. Casey does not identify as LGBTQ but finds the discussions to be personally offensive.



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## Scenario 3

The school receives notice that a teacher, Teacher Thompson, was arrested over the weekend allegedly for having a sexual relationship with a student, Carson. Teacher Thompson is in custody and is awaiting trial. The school district defers to law enforcement, and eventually, Teacher Thompson is convicted. Teacher Thompson never set foot in the school after the arrest was reported to the school, and their teaching license was suspended. The school considered the police investigation and the conviction to cover their duty under Title IX.



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# Scenarios 4

Stetson was dating Stevie for two years before they broke up. During that time, Stetson took videos of Stevie giving him oral sex in his room. Stetson and Stevie broke up because she cheated on him. Stetson was mad and, in return, sent the video to the whole lacrosse team's group chat.



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# Scenario 5

Laura comes to school and tells the principal that Gary raped her last night while she was sleeping. Laura and Gary are dating. Laura makes a complaint, and the allegations are investigated. At the conclusion, a determination was made the allegation could not be supported. A week after the conclusion of the case, Lalonna comes forward with a text from Laura stating, “I’m made the case did not go my way because I wanted to get Gary in trouble even though he didn’t rape me.”



# Additional Information for the year



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# Non-discrimination and Equal Opportunity

- Student Only Issues
  - Bullying
- Staff and Student
  - Protected Class Harassment and Discrimination
    - Race
    - Sexual Orientation
    - Gender Expression
    - Gender Identity
  - Title IX

Board Policy AC, AC R 1, AC R3



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# Bi-Monthly Meetings for Points of Contacts

- Meet every other month from 8:00-9:30 am
  - September 23<sup>rd</sup>
  - November 5<sup>th</sup>
  - January 7<sup>th</sup>
  - March 6<sup>th</sup>



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# Posters and Training

- Each school will be getting posters to hang in your school related to Title IX
  - Middle and High School will get student pregnancy and confidential employee posters.
- There will be new posters for Title IX, I will let you know when they are ready.
- The new regulations require all staff members are trained in Title IX
  - Vector training will be assigned to each staff member
  - Due September 1<sup>st</sup> for all staff



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# New Online Title IX System

- Let's walk through what



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# Things to do

- Record Keeping
  - All Title IX related documents for the last 7 years need to be uploaded into the shared folder.
- Lactation Room
  - Please let me know where the room is in your building



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**Thank you for all your hard work!**

Any questions?



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