

Title IX: the basics

Day Treatment and your Legal
Responsibility to Report Sexual
Harassment



Training Goals

- This training will cover the fundamentals of what Title IX is and how it applies to the Day Treatment Program.
- You will be introduced to your responsibilities according to Title IX regulations and how to respond appropriately to reports of sexual harassment.
- By the end of this training, you will know who to contact if you become aware of alleged incidences of sexual harassment as well as what can happen after a report of misconduct is made.





Let's begin with...

What is Title IX?





Title IX is Law

- Title IX falls under the Education Amendments of 1972.
- It prohibits discrimination on the basis of sex in education programs, activities, and employment



Title IX Applies to Schools

Any educational program receiving federal financial assistance, **must** comply with Title IX regulations

- Title IX is primarily known for requiring equity in athletic programming.
- However, it prohibits any and all forms of sex-based discrimination
- The Law protects both students and employees
- It is enforced by the US Department Of Education, Office of Civil Rights.



Title IX Prohibits Sexual Harassment

Under Title IX, Sexual Harassment is identified as a specific type of sex-based discrimination

- In August 2020, key sections specifically related to sexual harassment were newly created or amended.
- It is a violation of Title IX for any student or staff member to engage in sexual harassment or to retaliate against anyone who makes a report or participates in an investigation.
- These latest updates also set forth new requirements for how all federally funded K-12 schools should respond to reports of sexual harassment.






So...

What does this mean for
Day Treatment?





Because Day Treatment receives federal funding, CRC has implemented six requirements mandated by the newest updates to Title IX.

These Are:


1. Create a Title IX specific non-discrimination policy for Day Treatment;
2. Designate a Title IX Coordinator to receive all reports of sexual harassment from Day Treatment staff, students, and community members;
3. Establish a formal Grievance form and Grievance Process;
4. Facilitate a fair and equitable Investigation of incidents that require investigating;
5. Develop this Training; and
6. Publish all of this information on the CRC website along with additional training materials about Title IX for staff, students, and the public to access.



And...

What does this mean
for you?





Title IX Specifically States:

“A recipient with **actual knowledge** of **sexual harassment** in an education program or activity of the recipient **against a person** in the United States, must **respond promptly** in a manner that is **not deliberately indifferent.**” 34 C.F.R. 106.44(a)

This means...

- All Day Treatment employees with notice (actual knowledge) of allegations of sexual harassment **must** notify CRC's Title IX Coordinator.
- This is in addition to your responsibilities as a Mandated Reporter.
- You must contact the Title IX Coordinator and make all necessary reports to the Child Protection Hotline and/or local Police (if applicable).





Now you need to know...

Who is CRC's Title IX
Coordinator and how do you
make a report?





**All reports
should go
directly to...**

Mélisa Teglas
Title IX Coordinator
Manager, Quality Assurance and
Compliance

To make a report, either:

1. Send an email to TitleIXReport@CommunityReachCenter.org
2. or call **(303) 451-4270**

***This information is published on the CRC website for anyone to access. Reports can be made to the Coordinator by students, staff, parents, and community members. However, you as an employee must ensure that anything you become aware of is reported in order to maintain compliance with Title IX regulations.



You also need to know...

What needs to be
reported?





What to Report


- Anything that may constitute as sexual harassment must be reported to the Title IX Coordinator.
- This includes overhearing students or other employees talking about an incident or incidences that may be considered sexual harassment.
- Even if the person alleging harassment does not know you are aware of the incident, or does not want it reported, you still must inform the Title IX Coordinator.

IT'S THE LAW



Under Title IX,
Sexual Harassment
is any conduct on
the basis of sex
that satisfies one
or more of the
following:

1. A school employee conditioning the provision of an aid, benefit, or service of the school on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity; or
3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30)



Types of Sexual Harassment to be aware of:

Unwanted sexual behavior, advances, or requests for favors

- Intimidation, Quid pro quo
- Use of force or manipulation with unwanted sexual activity

Unwelcome verbal, visual, or physical sexual conduct


- Obscene phone calls, texts, emails, or Cyber- bullying
- Inappropriate gestures or touching

Offensive, severe, and/or frequent remarks about a person's sex

- Sexually suggestive jokes, whistles, catcalls, or innuendos

Sexual assault, dating violence, domestic violence, or stalking

- Sexual abuse or assault, battery, or coercion
- Physical acts where a person is incapable of giving consent or is against a person's will



Gender-based discrimination is also a form of sexual harassment under Title IX.

Gender-based discrimination is any form of discrimination or harassment based upon one's gender expression even if it does not involve conduct of a sexual nature. This includes:

- Unfair treatment, attitudes, or behaviors towards an individual based upon their gender expression
- Exclusion from activities based on gender expression
- Expectations based solely on gender role stereotypes
- Gender-based bullying and violence including the targeting of lesbian, gay, bisexual, or transgender persons or anyone non-conforming to gender role stereotypes



Finally...

What happens after a
report is made?



Following a report

- The Title IX Coordinator will speak confidentially with the alleged victim, known as the **complainant** and the alleged perpetrator, known as the **respondent**.
- The school must keep confidential the identity of all parties including witnesses, except as may be permitted by FERPA, as required by law, or as necessary to carry out a Title IX proceeding.
- The Coordinator will discuss possible resolutions depending on the specific allegations. In order to determine what is most appropriate, the Coordinator may also conduct a **Title IX Investigation**.

SEXUAL HARASSMENT
COMPLAINT



Title IX Investigations

A **Title IX Investigation** is an investigation conducted by the institution/school separate from any potential law enforcement involvement. These investigations are required in two instances:

1. The complainant requests an investigation after filing a formal grievance.
2. The Title IX Coordinator determines a report should be investigated and signs a formal grievance herself to initiate the process. This could happen even if the complainant does not want the report investigated.
3. Maintaining confidentiality is of the utmost importance during an investigation.

*****At CRC, the Title IX Coordinator serves as the investigator in all Title IX Investigations.**



Investigations continued...

- During a Title IX Investigation, the Title IX Coordinator gathers evidence and interviews witnesses, respondent, and complainant.
- Both the complainant and the respondent can have a support person with them during all stages of the investigation if they choose. This could be a friend, family member, teacher, or attorney. Though this is not a criminal proceeding, individuals can have legal representation.
- The Coordinator will provide written notice to all parties regarding the stages of the investigation. Once the coordinator has completed the investigation, she presents her findings to the Title IX Decision maker. The Decision Maker then determines what resolution is appropriate.




Possible Resolutions

Following a report of sexual harassment and a possible investigation, Title IX has outlined 4 main options for resolution.

These include:


1. No Formal Grievance
2. Formal Grievance with Informal Resolution
3. Formal Grievance with Formal Resolution
4. Formal Grievance with Dismissal (Mandatory or Discretionary)






OPTION 1: No Formal Grievance

- The complainant decides not to file a formal grievance.
- The coordinator may offer supportive measures to the complainant. Supportive Measures are individualized services reasonably available that are nonpunitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment.
- Unless the Title IX coordinator determines otherwise, nothing further happens.
- The report is simply documented, and a record of the report must be kept for 7 years.
- Remember, the complainant may not have made a report to the Coordinator themselves. However, they can decide to file a formal grievance after the initial report has been made.




OPTION 2: Formal Grievance with Informal Resolution

- The complainant files a formal grievance and informal resolution is deemed appropriate (with or without an investigation).
- Informal Resolutions can **Never Be Required**
- CRC must obtain voluntary, written consent to any informal resolution process from all parties involved.
- Informal Resolutions could be offering supportive measures.
- This could also include mediation or a restorative justice process.



OPTION 3: Formal Grievance with Formal Resolution

- The complainant files a formal grievance and requests an investigation, or the Title IX investigator opens an investigation herself.
- The investigation is followed by a Decision-Making Process and **Written Determination** by the designated decision maker of the agency.
- Remedies and disciplinary sanctions can vary greatly. This could include supportive measures or removal of a staff member or student from the school through termination of employment or suspension/expulsion.



OPTION 4: Dismissal of Formal Complaints

- Dismissal is mandatory if:
 - The alleged conduct isn't sexual harassment, or it did not happen in the US
- Dismissal is discretionary if:
 - The Complainant provides written notice of their wish to withdraw a formal complaint
 - The Respondent is no longer enrolled or employed by the school
 - Or specific circumstances prevent the school from gathering evidence needed to make a determination
- Notice of dismissal is required to be given to all parties involved (See [34 C.F.R. § 106.45\(b\)\(3\)](#))

Appeals

- There are limited grounds for an appeal following a resolution to a Formal Title IX Grievance
- Should a Complainant or Respondent choose to file an appeal, the Appeals decision-maker **cannot be** the Title IX Coordinator, investigator, or previous decision-maker.. See [34 C.F.R. § 106.45\(b\)\(8\)](#)



Main take-aways

- The Title IX Coordinator must be contacted anytime you think there may have been an incident of sexual harassment.
- If you ever aren't sure, make a report. It is better to report rather than failing to comply with Title IX regulations.
- The Title IX Coordinator will determine what is sexual harassment under Title IX and what happens next.
- Retaliation against anyone who makes a report or participates in a Title IX investigation is strictly prohibited.
- Confidentiality must be maintained.



In conclusion...

WHAT IS TITLE IX?

No sex discrimination. No sexual assault. *Period.*



All Title IX
information can be
found on
SharePoint and on
the CRC website by
clicking on the Day
Treatment Page



COMMUNITY
REACH
CENTER



www.communityreachcenter.org

Or on SharePoint at

<http://intranet/Clinical/daytreatment/Shared%20Documents/Title%20IX/Title%20IX%20Policy%20and%20Grievance%20Procedure.pdf>



THANK YOU!!!!!!!

For your time and all you do for the Day Treatment kids!