

IDAHO K-12 TITLE IX PROFESSIONAL LEARNING COMMUNITY #7

TITLE IX: NEW REGS OVERVIEW

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FUTURE MEETINGS AND UPDATES

- ▶ Still exploring summer meetings
- ▶ Working on amended policy

- ▶ NEW REGS -

<https://www2.ed.gov/about/offices/list/ocr/docs/t9-final-rule-summary.pdf>

CURRENT PROCESS

TITLE IX FORMAL GRIEVANCE PROCESS – MUST PROVIDE FOR “PROMOTE AND EQUITABLE RESOLUTIONS OF STUDENT AND EMPLOYEE COMPLAINTS”

TIX Coordinator

Report

- Voluntary
- Mandatory

Supportive Measures

- Referrals
- Safety plans
- No-Contact
- Class/schedule change
- School escort
- Parking mods
- Academic help
- Education
- Etc.

Formal Complaint

- Intent
- Allegations
- Signature*

- Not sexual harassment;
- Not in United States; or
- Not education program/activity

Dismissal*

- HR
- Supervisor
- Principal
- Counselor

Referral

Notice of Allegations

Investigation

- Interviews
- Evidence
- Preliminary Report
- Final Report

Decision Process

- Written Questions
- Decision
- Sanctions
- Outcome Letter

Appeal

- Paper only
- Uphold
- Change sanctions
- Remand

Sanctions & Remedies

- Only applied after appeal concluded
- May be disciplinary

Notice

Informal Resolution

OVERVIEW OF MAJOR CHANGES

DEFINITIONS

- ▶ Complaint
- ▶ Confidential employee
- ▶ Pregnancy related condition
- ▶ Relevant
- ▶ Retaliation – includes peer retaliation
- ▶ Harassment and other specific offenses

APPLICATION OF OTHER LAWS

- ▶ The obligation to comply with TIX is not alleviated by any State or local law or other requirement that conflicts with TIX or the applicable regulations

GENERAL REQUIREMENTS

- ▶ Designate Coordinator – expansion of role
- ▶ Notice, policy, publication requirements remain unchanged
- ▶ Grievance procedures – significant changes
- ▶ Training – annual requirement
 - ▶ All employees
 - ▶ Obligation to address sex discrimination
 - ▶ Scope of conduct that constitutes sex discrimination
 - ▶ Applicable notice requirements

GENERAL REQUIREMENTS

- ▶ Training – annual requirement
 - ▶ Investigators, decisionmakers, and other responsible for implementing grievance procedures have additional requirements
 - ▶ IR facilitators have separate requirements
 - ▶ TIXC and designees have additional requirements

GENERAL REQUIREMENTS

- ▶ Students with disabilities
 - ▶ Requirement to consult with IEP team
- ▶ Recordkeeping – 7 year requirement
 - ▶ IR and grievance procedure docs (including outcomes)
 - ▶ Training materials
 - ▶ No longer required to be hosted on a website

SCOPE

- ▶ Discrimination on the basis of sex includes:
 - ▶ Sex stereotypes
 - ▶ Sex characteristics
 - ▶ Pregnancy or related conditions
 - ▶ Sexual orientation
 - ▶ Gender identity

APPLICATION

- ▶ Applies to conduct that occurred outside of program or activity if there is a hostile environment created within the program or activity

PREGNANCY

A school/TIXC must

- ▶ provide TIXC contact information
- ▶ Provide information about rights/notice of nondiscrimination
- ▶ Provide reasonable modifications
- ▶ Allow voluntary access to separate/enter comparable portion of a program or activity
- ▶ Allow voluntary leaves of absences as medically necessary
- ▶ Provide lactation space
- ▶ Generally, not require supporting documentation

RESPONSE

- ▶ “Knowledge of conduct” – requires a prompt and equitable response
- ▶ All non-confidential employees must report to the TIXC
 - ▶ school must tell people how to contact
 - ▶ CE must tell reporters how to contact TIX and that the TIX may offer supportive services

RESPONSE

▶ TIXC

- ▶ Offer supportive measures
- ▶ Notify reporting party of grievance procedures and any IR process
- ▶ If complaint is made, notify respondent and IR process
- ▶ Initiate process as requested
- ▶ Determine whether to initiate a complaint if necessary
- ▶ Gatekeep complaints

WHAT QUESTIONS OR CONCERNS HAVE ARISEN FOR YOU THIS MONTH?

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