

Level 3 Title IX Training: An Updated Look



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Agenda

Session 1:

- The “perfect” Title IX situation
- What to do when investigations have begun or decisions have been made before the Title IX process started
- What is retaliation?
- Police Involvement
- Special Education Students

Session 2:

- Intake Meetings
- Informal Resolution Process

Session 3:

- Off-campus conduct
- Sexual Assault convictions of students
- Multiple Complainants resulting from the same situation or against the same Respondent
- Conduct that has occurred for a long time



The “perfect” Title IX Situation



The Title IX Coordinator receives an email from the Building Principal with an attached female student’s statement and incident report regarding a boy who inappropriately groped her chest during class.

Let’s walk through an ideal grievance process relative to this situation.

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Discipline before Grievance Process:

A group of female students complain about a male student. Specifically, the Building Principal informs the Superintendent that he was told that a male student walked over and grabbed a female student’s butt—female student slapped the male student and male student proceeded to tell the female student to “stop being a bitch.” Male student will be coming to school tomorrow morning where the Building Principal will give 3 days’ OSS. Superintendent forwards this information to the Title IX Coordinator who knew nothing of the matter.

What could have been done differently in this scenario?

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Hypothetical:

Two high school students—a male and female had a previous relationship where there was an exchange of inappropriate pictures. The male student shows the female student an inappropriate picture while they are in class together and she tells him it made her feel very uncomfortable. Female student goes to the Title IX Coordinator with this information and wishes to file a formal complaint. Male student's family proceeds to tell the Title IX Coordinator that they wish to file a formal Title IX complaint against female student for her previous exchange of inappropriate photos with their son.

What would you do in this situation?

*Hypothetical:*

Two middle school students—a male and female were standing in line for lunch. The male student was standing behind the female student and grazed her butt with his lunch tray. When the female student turned around, the male student giggled and said "sorry." The female student goes to the Title IX Coordinator saying she felt extremely uncomfortable and no longer wants to go to school. Title IX Coordinator follows all protocol and offers supportive measures. Female student's parents decide to call the police relative to the matter.



What would you do in this situation?



Hypothetical:

Several high school boys come forward to the Building Principal and let them know that a girl in their gym class has been coming up to them and slapping their butts consistently saying “good game.” They have laughed it off and have told her to stop before but she keeps doing it. Collectively, the boys do not like going to gym class anymore. Each boy and their parents want to file an individual Title IX complaint against the girl.

What would you do as Title IX Coordinator?

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Hypothetical:

A male student with an IEP has been making very inappropriate comments to another boy in the locker room after gym class. He has also been showing the other boy pornographic images on his phone making the boy feel very uncomfortable and anxious. He comes to the guidance counselor and states he wants to switch gym classes.

The guidance counselor comes to you, the Title IX Coordinator with this information. What now?



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Hypothetical:

Building Principal informs you, the Title IX Coordinator, that a male student was alleged to have said “nice ass, slut” to a female student, has touched her inappropriately numerous times, and won’t stop texting her. Building Principal tells the Coordinator that she immediately suspended the student for 3 days for the behavior and the student is coming back tomorrow.

Intake Meetings

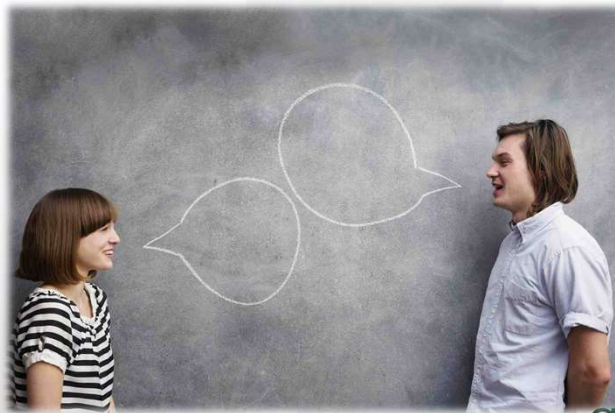
- Can occur before or after a formal complaint has been filed
- Before/after a Complaint has been filed:
 - Explain rights under Title IX
 - Explain the process behind Title IX
 - Explain and Discuss Supportive Measures
 - Gather a little information about the concerns
 - Ask if the student/employee wants to file a Formal Complaint



Pros and cons of informal resolution

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Facilitated dialogue



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Formal mediation



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Alternative resolution



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How does an informal resolution
process work?

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Who may facilitate an informal
resolution?

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Greater sense of autonomy



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Restorative justice

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What is a resolution of the grievance
or dispute?

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What happens after an agreement
is reached?



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What happens if one or both parties
violates a term for the informal
resolution?

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What happens if an agreement is *not*
reached?



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Both parties are nearing graduation, both very emotional about a situation where the female student accused the male student of sexual harassment. They are both very far apart on what they believe occurred.

What are your thoughts on offering an informal resolution for these students?

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The parties were very close friends before an incident where one said a very inappropriate sexualized comment to the other. When confronted about the comment, the individual stated it was “just a joke” and “they didn’t mean anything by it.” Nevertheless, the other student is very offended and wants the person to own up to their words. The Title IX Coordinator believes they could resolve the matter if they could each understand the other’s perspective. How would you handle this situation?

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Hypothetical:

Kendra and Samantha are 9th graders who snuck into a party held by Chris, a 12th grader, on a Saturday night. After the party, Kendra tells Samantha she was cornered by Chris and that he touched her in a way that made her uncomfortable. Samantha becomes worried about Kendra and, on Monday, tells one of her teachers about the incident.

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Hypothetical:

Title IX Coordinator learns of ongoing conduct by a teacher towards multiple students. The conduct initially began prior to August 2020, and the conduct continues today.

How do we proceed?



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Hypothetical:

Male high school student is adjudicated delinquent for sexual assault against another male high school student. The assault occurred off school property. You learn of this through a letter to the school from the probation office. Adjudicated Student is in the same high school as the victim because there is only one high school. Adjudicated Student is a football and baseball player. The victim is a baseball player and wrestler. Both students plan to continue to play their sports, both students want to attend the homecoming dance and prom, and both students will graduate in two years.

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Hypothetical:

A female math teacher informs you that the male band director has been making her feel uncomfortable for the past year. You learn that in November 2020, both chaperoned a group of students to Disney Japan. While on that trip, the employees engaged in consensual sex. Both employees are married to other district employees. After they returned, they continued the affair for 3 months. At that time, the female math teacher decided that she no longer wanted to cheat on her husband and broke things off with the male band director. The male band director has continued to stalk the female math teacher, has continued to text her incessantly, and has threatened to tell her husband. She informs you that he does not talk to her while at work and only texts late at night when his wife goes to bed. She files a formal complaint.

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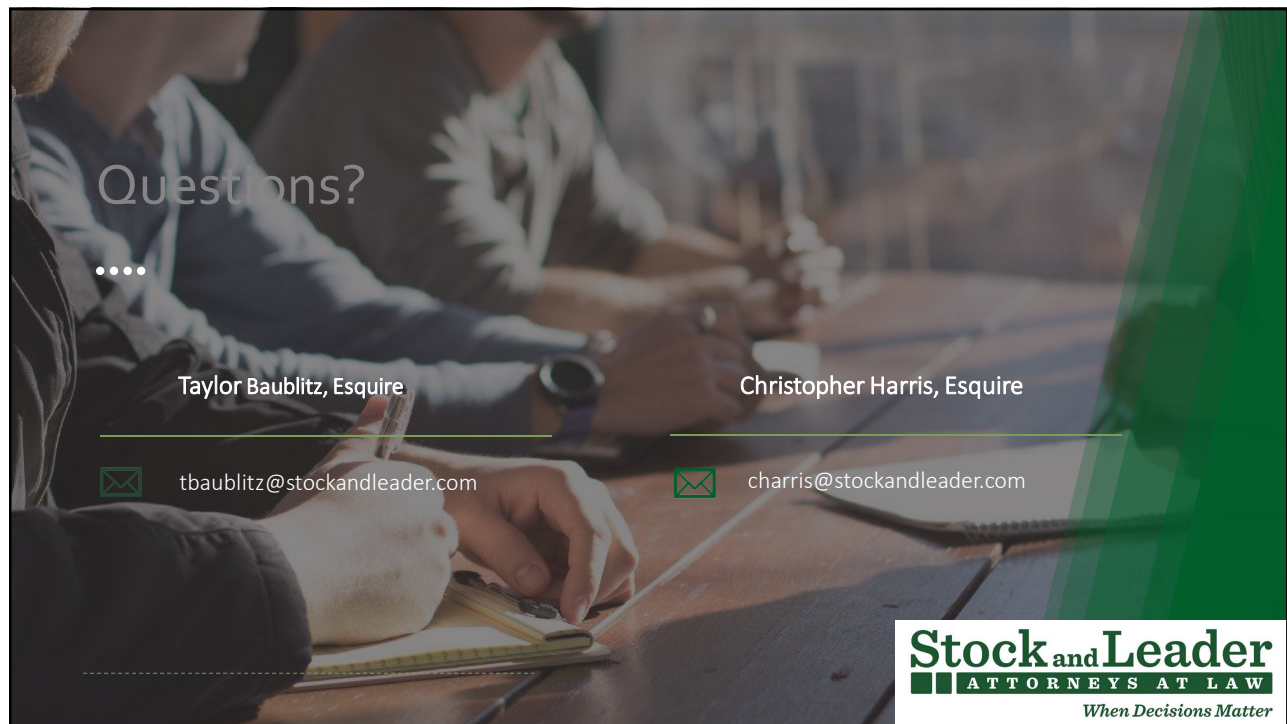
Hypothetical:

During a teacher's exit interview with HR, she mentions that she is resigning and going to another school district because the building principal has created a hostile environment. The building principal constantly says, "you always leave me satisfied and smiling," and has asked her about her sex life multiple times. Teacher tells HR that it has been ongoing for three years and she has had really bad anxiety coming to work every day. She tells HR that all the women in the building feel the same way, but no one wants to come forward because they're afraid of retaliation. Later, the investigator learns, during an interview with one of the identified teachers, that the building principal has access to all of the cameras from home (he is on paid administrative leave during the investigation) and has been texting teachers that are being called to the interview. The message he sent that teacher said the following: "I see you're headed to the interview. Just remember, the assistant principal may do your evaluations, but he wants to be a building principal one day too."

*Hypothetical:*

Complainant Student (female middle school) alleges that Respondent Student (male middle school) bumped into her during PE and said, "suck my dick." In addition, you learn that Respondent Student often whispers the Complainant Student's name during health class, which distracts her and other students, calls her a bitch when she walks by him in the cafeteria and then throws food at her. You also learn that Respondent Student often gets close to the Complainant Student making her feel uncomfortable and she has asked him to move back, to which he responds "no" and moves closer. Lastly, at your intake meeting, you learn that at least four (4) other female middle school students have reported that they have also had uncomfortable interactions with him: to include, touching one's butt, touching girls generally, and discussing inappropriate things at lunch. How do you respond and move forward?





Questions?

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