

# **New Title IX Regulations**

***2020-2021***



**FANNIN  
COUNTY SCHOOLS**

# New Title IX Regulations



- **New Title IX regulations begin August 14, 2020.**
- The new regulations mostly deal with how to address sexual harassment in education programs and activities.
- First changes in decades
- Will require operational changes for nearly all K-12 schools
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- **Things to keep in mind**
- These are not suggestions – **this is the law**
- Burden of responding to sexual harassment in educational settings is on the schools.
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- **Things to do now**
- Each school system must have a Title IX Coordinator and that coordinator must have it in their title.
- Must post the training material used to the schools website

# New Title IX Regulations



- ***All Employees are mandated reporters for sexual harassment just like child abuse. You can report to any school level administrator or District Title IX coordinator***
  
- **New definitions of sexual harassment**
  - Quid pro quo: a favor or advantage granted or expected in return for something.
  - Unwelcome conduct that effectively denies a person equal access to school's educational program or activity
  - Dating violence
  - Domestic violence
  - Stalking

# New Title IX Regulations

- **If made aware of an incident, the Title IX Coordinator has to be contacted immediately. The principal at each school will be involved in all sexual type cases.**
- **How do we do coordinate Title IX?**
- Title IX coordinator promptly contacts the alleged victim to offer and discuss supportive measures
  - Explain supportive measures are available with or without filing a formal complaint. Supportive measures could be any of the following:
    - Counseling
    - Extensions of deadlines
    - Modifications of schedules
    - Mutual restrictions
    - Increased security and monitoring of certain areas
  - Explain process for how to file a formal complaint
  - The victim, their parent, or the Title IX coordinator can file a formal complaint.
    - Complaint must meet all of the following to qualify for investigation:
      - Student
      - Meets definition of sexual harassment
      - Occurred in U.S.
      - Occurred in school education program or activity



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- Starting an investigation
  - Must have a school-based investigation led by Title IX Investigator (Even if it has been turned over to law enforcement)
  - School must ensure guardians are aware of their right to file formal complaints on behalf of their children.
  - Provide written notice to both the complainant and respondent that includes the following information:
    - Relevant grievance procedures
    - Information about allegations including persons, date, and location or alleged incident
    - Statement that respondent is presumed not responsible
    - Written notice must be given with sufficient time to prepare for meetings, interviews, or hearings
    - No pulling them out of class for Title IX investigation unless written notice with time to prepare has been given
  - Both parties are entitled to advisors of choice at any meetings, interviews, hearings
    - Advisors can be anyone, including an attorney, and a school may not limit who a party chooses as their advisor
    - School must make sure parties are aware, in writing, of their right to an advisor
  - Students are not to be disciplined until they have gone through the process. Exception: student can be removed if school conducts a safety and risk analysis and determines that there is imminent threat to the physical health/safety of students. If school does remove a student under this provision, it must provide the student with written notice and the ability to immediately challenge the removal decision.

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- Investigations will take longer:
  - Title IX Investigator will
    - Interview parties and witnesses
    - Collect evidence
    - Produce written report
    - Entire process can take up to 80 days



# What to Avoid:

- Sending a discipline letter or notice that charges sexual harassment without knowing how Title IX Issues will be handled
- Suspending short term before knowing what the long term plan is- starting the 10 day tribunal clock running
- Using terminology loosely rather than specifically referencencing bullying and sexual harassment definitions
- Getting law enforcement involved when not necessary or not getting them involved when required- Time to revisit the protocol
- Forgetting that if student is IDEA and maybe 504 there still has to be manifestations decisions within 10 days of change of placement, but not before

# TITLE IX TIMELINE



80 = number of days in regs



# Title IX

**Title IX Coordinator for Employees, Students, Parents, and Guardians: for Title VI, Title VII,  
Title IX, Section 504, ADA, ADEA:**

Robert Ensley: Assistant Superintendent, Personnel and Administration  
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## **Student Decision Maker**

Shannon Miller: Director of Student Services  
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## **Employee Decision Maker**

Sarah Rigdon: Deputy Superintendent of Achievement and Governance  
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# Title IX

Fannin County School System Title IX Investigator for Personnel and Students

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Fannin County School System Title IX Appeals Contact

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# School Level Contacts



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Blue Ridge Elementary School  
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