Title IX: Rights, Responsibilities, & Expectations

2022-2023 School Year
TITLE IX

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity receiving Federal financial assistance.”
What is Title IX

- Title IX is a section of the Education Amendments Act of 1972
- It prohibits sex discrimination against all persons interacting with the District’s educational programs or activities. This includes:
  - Equity in Athletics
  - Prohibition of Sexual Harassment
  - Prohibition of Sexual Violence
  - Prohibition of Gender-based Harassment
Title IX Updates

- New updates proposed on July 12, 2022 - new rules will likely not go into effect until winter at the earliest.

- Proposed regulations:
  - Provide more clear protection from sex-based harassment
  - Require schools to take prompt and effective action to end any sex discrimination and prevent its recurrence and remedy its effects
  - Tighten protections for LGBTQI+ students
Sexual Harassment

- A school employee condition an educational benefit or service on an individual’s participation in unwelcome sexual conduct;
- Any type of 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; and/or
- Sexual assault, dating violence, domestic violence, or stalking.
Sexual Harassment

Quid Pro Quo

- For this to occur, the person committing the sexual harassment must be an employee of the District. Examples can include, but are not limited to:
  - Making grades contingent on unwanted sexual conduct
  - Failing to report code of conduct infractions in exchange for unwanted sexual conduct
Sexual Harassment
Unwelcome Sexual Conduct

- Determined by a reasonable person
- Severe, pervasive, and objectively offensive
- Denies a person equal access to the school’s educational program or activity.
Sexual Harassment

An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s uniform crime reporting program.

- **Rape**: the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim
- **Fondling**: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or their temporary or permanent mental incapacity
- **Incest**: non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape**: Non-forcible sexual intercourse with a person who is under the statutory age of consent
Sexual Harassment

Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. For the purpose of this definition:

- Dating violence includes, but is not limited to sexual or physical abuse or the threat of such abuse
- Dating violence does not include acts covered under the definition of domestic violence.
Sexual Harassment
Domestic Violence

A felony or misdemeanor crime of violence committed:

✓ By a current or former spouse or intimate partner of the victim
✓ By a person with whom the victim shares a child in common
✓ By a person who is cohabitating with, or has cohabitated with the victim as a spouse or intimate partner
✓ By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
✓ By any other person against an adult or youth victim who is protected from that person's act under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
Sexual Harassment
Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

✓ Fear for the person’s safety or the safety of others; or
✓ Suffer substantial distress

For the purpose of this definition:

✓ Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property
✓ Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim
✓ Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or any other counseling
Where the school has actual knowledge of sexual harassment, they must respond promptly and take action.

At a minimum, the school must reach out to the student and confidentially discuss that supportive measures are available.

Student must be provided information on how to file a formal Title IX Complaint.
Where the school has actual knowledge of sexual harassment, they must respond promptly and take action. At a minimum, the school must reach out to the student and confidentially discuss that supportive measures are available. Student must be provided information on how to file a formal Title IX Complaint. Supports that students may need when a report of sexual harassment is made and must be put in place for any students involved. Can include things like counseling, modifications of class schedules, mutual restrictions on contact between the parties and other similar supports. May change over time and MUST be offered anytime the school is on notice of sexual harassment.
Internal Title IX Process

NEVER institute Discipline or Punitive Measures before consulting with EACR
Steps to Follow

1. **Submit a ticket on the Hub.** Go to Submit a Ticket for Support → I want to request a service → Climate and Culture → Civil Rights/Equity → Alleged sexual harassment or misconduct. You may also type ‘Title IX’ into the search bar after selecting ‘I want to request a service.’ Staff member submitting the ticket, please advise your best method of communication; phone, email, and/or TEAMs.

2. **Notify all parties’ parents** that are involved in the alleged incident of what has occurred and inform them that this matter is currently being investigated.

3. **Provide all Parent(s) / Guardian(s) with Supportive Measures Form.** Advise all parents they may request supportive measures they would like to see put in place while this matter is being investigated.

4. **Gather statements from all parties involved:**
   a) Victim
   b) Accused
   c) Witness(es)
   d) Teacher(s) that reported or witnessed

5. **Please return all statements and supportive measures forms / pertinent information via email to the DPSCD HelpDesk email thread within SEVEN (7) DAYS.**

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1. **Do not file a Form 63 until instructed**

2. **Do not fax any documentation to EACR**

3. **Do not attach any documents to your ticket submission**

4. **Do not administer / log any discipline into PowerSchool until instructed**

Please DO NOT administer any discipline while this matter is being investigated and wait for all discipline recommendations from our office. Should you have any questions or concerns, please do not hesitate to reach out to Kristian Shore and Katie Ilijic.
Step 1
Submit a Ticket on the HUB

On the HUB, click on HelpDesk
Go to I want to select a service --> Climate and Culture --> Civil Rights/Equity --> Alleged Sexual Harassment or misconduct

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Step 2

Notify Parents (of all students involved)

• Explain what happened
• Offer supportive measures
• No discipline being administered

*NOTE: forms have changed slightly. Please use updated forms.

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Step 3

Implement Supportive Measures

- Separate victim and accused
- Modify class schedules
  - Avoid altering the victim’s schedule
- Counseling
- Extensions on assignments
- Mutual No Contact Agreement

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Step 4

Collect ALL Statements

- Use the EACR statement form provided in the email
- *Note: Forms have changed. Uses new forms
- Collect statements from:
  - Victim
  - Accused
  - Reporting Party
  - All witnesses

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Step 5

Return Complete Title IX Packet

Via the email thread from DPSCD HelpDesk with the subject title:
“[DUE DATE August 31, 2022] Regarding Incident 123456”

Complete Title IX packet includes:

- All Statements – Victim, Accused, Reporting Party, All Witnesses
- Supportive measure forms for parties all involved

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Investigation Tips

Tips for taking statements

• Listen carefully
• Ask clarifying questions
• Transcribe for students if necessary
  ➢ Have a second adult present
• Have students provide statements separately
• Review statement with the student before the student leaves.

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Questions
NOTICE OF NON-DISCRIMINATION

DPSCD does not discriminate based on race, color, national origin, sex, sexual orientation, gender identity, disability, age, religion, height, weight, citizenship, marital or family status, military status, ancestry, genetic information, or any other legally protected category in its programs and activities. The following staff members have been designated to handle inquiries regarding the non-discrimination policies:

Title IX Coordinator:
Benjaman Jackson, Assistant Superintendent - Human Resources

Questions or Concerns? Contact: eacr@detroitk12.org

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