



What is Title IX?



- Federal Civil Rights Law
- Enacted by Congress, Title IX seeks to reduce or eliminate barriers to educational opportunity caused by sex discrimination in institutions that receive federal funding.
- “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”
- Title IX is concerned with institutional response to sexual harassment



Institutional Response

- Once a school has notice of possible sexual harassment of students whether carried out by employees, other students, or third parties, it should take immediate and appropriate steps to investigate or otherwise determine what occurred and take prompt and effective steps reasonably calculated to:
 - end any harassment,
 - eliminate a hostile environment if one has been created and
 - prevent harassment from occurring again.
- It is the school's responsibility to take these steps whether or not the student who was harassed makes a complaint or otherwise asks the school to take action.



Institutional Response cont'd

- A school is obligated to respond when:
- The school has actual knowledge of sexual harassment that occurred within the school's/ APS' education program or activity
- Schools may NOT be deliberately be indifferent to known sexual harassment
- Schools are required to investigate every formal complaint and to respond meaningfully to every known report of sexual harassment



Title IX- 3 Types of Harassment

1. Quid Pro Quo- employee conditions an education benefit or decision on the student's submission to unwelcome sexual conduct
2. Unwelcome conduct on the basis of sex that is so severe, pervasive and objectively offensive, as determined by a reasonable person, that it denies a person equal access to an education program or activity
 - Degree to which the conduct affects students' education
 - Type, frequency and duration of the conduct
 - Identify and relationship between complainant and respondent
 - Number of individuals involved
 - Age and sex of complainant and respondent
 - Size of school, location of incidents and context
 - Welcomeness (depends on age, relationship between complainant and respondent)
3. Sexual Assault
 - one incident of sexual assault can trigger Title IX responsibilities



What is the APS Title IX Policy?

- Policy J-2 Student Equal Educational Opportunities/Nondiscrimination
 - Covers:
 - Title II, of the Americans with Disabilities Act
 - Title II of the Genetic Information Nondiscrimination Act of 2008
 - Titles VI & VII of the Civil Rights Act of 1964, Civil Rights Act, 1991
 - Title IX of the Education Amendments of 1972
 - Virginia Human Rights Act
 - The Pregnancy Discrimination Act of 1978
 - APS School Board Policy: G-2.32 Prevention of Sexual Misconduct & Abuse



What is the APS Title IX Policy? Cont'd

Policy J-2 states that:

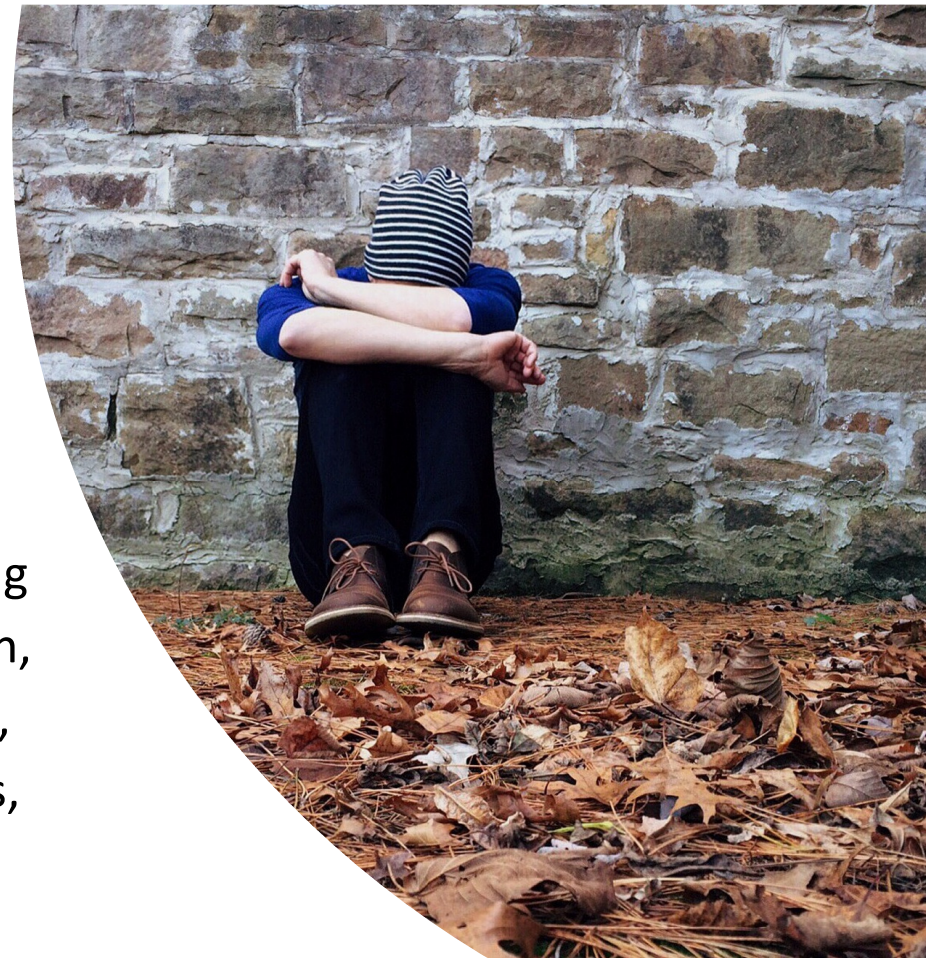
“Arlington Public Schools shall provide equal education opportunities and learning environments that are free of discrimination, including harassment, on the basis of race, national origin, creed, color, religion, gender, age, economic status, sexual orientation, marital status, pregnancy status, genetic information, gender identity or expression and/or disability.”

“...applies to all incidents that occur at APS schools or on APS property; while in proximity to school premises; while coming to or going from school; while on school-owned and operated school buses or on chartered buses; or while engage in approved and supervised school activities on or off school premises. In addition, incidents that occur outside APS property and/or activities are also the subject of this policy to the extent that the alleged behavior may impact a student’s educational opportunities or access.”



“Harassment” is any behavior that...

- unreasonably interferes with an individual’s educational opportunity, AND/OR
- creates an intimidating, hostile or offensive learning environment because of the victims, national origin, creed, color, religion, gender, age, economic status, sexual orientation, marital status, pregnancy status, genetic information, gender identity or expression, and/or disability.





Gender-Based and Sexual Harassment

- “Gender-based harassment” is unwelcome behavior of a nonsexual nature based on a student’s actual or perceived sex, including gender identity, gender expression, and nonconformity with gender stereotypes.
- “Sexual Harassment” is unwelcome sexual advances, requests for sexual favors, and other verbal, written or physical conduct of a sexual nature including harassment based on sexual orientation, gender identity or non-conformity to gender stereotypes.





Harassment Creates a Hostile School Environment

- “Hostile Environment” occurs when verbal, nonverbal, or physical behavior on the basis of any legally protected characteristic by another student, a school employee, or a third party is sufficiently severe, persistent, or pervasive to limit a student’s ability to participate in or benefit from an educational program or activity or to create a hostile or abusive educational environment.





Why Does Title IX matter?
(Other than that it's the law!)



- APS Strategic Plan Goal:

Student Well-Being: Healthy, Safe, and Supported Students

- Create an environment that fosters the growth of the whole child. APS will nurture all students' intellectual, physical, mental, and social-emotional growth in healthy, safe, and supportive learning environments.
- Interfere with student education if being sexually harassed.
- Psychological impact on the individual student



Examples from APS Students

- “Catcalling” in hallways
- Intentional groping in the hallways
(girls noted these experiences early as elementary school)
- Distributing video/photos of sexual situations or nudes, consensual and nonconsensual
- Harassment at parties and get togethers; sometimes alcohol/drugs are present
- Crude, sexual comments or unwelcome sexual advances on the school bus





Harassment is About Impact Not Intention

PIP J-2 Student Equal Educational Opportunities/Nondiscrimination

How to respond to allegations of violations of this policy:

- Use and follow the **Incident Complaint Form for Allegation of Discrimination or Harassment (PIP J-2)**.
- If necessary, use interim safety measures
- Investigate:
 - Complainant has 10 school days to provide documentation or other information relevant to the investigation
 - Within 5 school days* of receipt of complaint:
 - Notify parents/guardian of accused
 - Notify parents/guardian of complainant, unless complainant is 18 years or older.
 - Within 30 school days complete investigation and issue findings to complainant, accused student & parents/guardians.



Title IX Investigations

- Best Investigations are:
- Prompt (meeting J-2 Policy Requirement)
- Thorough and Documented (J-2 Form)
- Objective
- **Step 1: Intake**
 - Meet with Complainant, document, contact parents (under 18)
 - Discuss possible Interim Measures
 - Document Complaint
 - Determine what will be investigated, what order, note timeline
- **Step 2: Designate Investigator**
 - Ensure there are no biases and conflict of interests
- **Step 3: Gather Information**
 - Interview Complainant (listen and document)
 - Implement Interim Measures if necessary
 - Interview Respondent (listen and document)
 - Interview Witnesses
- **Step 4: Record Findings**
- **Step 5: Report Results to Title IX Coordinator**



Title IX Investigations

Investigations should strive to be:

- **Trauma Informed**

- Recognizing that experiencing trauma may impact a person's memory of traumatic events and events that remind them of the traumatic event.
- Brain's reactions to trauma may lead a person to engage in behaviors that may appear counteractive.
- Recognition of the effects of trauma means that investigators may need to modify their usual investigative techniques such as:
 - How the complainant is interviewed about the event;
 - How the complainant interprets behavior during and after the incident;
 - Ways to ensure the process is supportive for the complainant while maintaining fairness for the respondent.

- **Fair and Equitable**

- Ensure impartiality of investigators.
- Do not use gender stereotypes to make decisions.
- Investigate all sides and objectively evaluate the credibility of parties and witnesses.



Choosing Your Words: The Importance of Language

Language is very important when investigating cases of harassment.

Our choice of words conveys certain perceptions of assumptions; we need to be aware of which terms are appropriate to use in various context.

Words for discussion:

- Victim vs. Complainant
- Harasser vs. Respondent
- Language of consensual sex/interactions



Examples of How Not to Respond

A student reports to their English teacher that she has been sexually harassed for months at school by another student. The student says this started after they hooked up at a party a few months back. The English teacher begins to fill out a report and give the report to the Assistant Principal who says to the student:

- “I’m sorry but you are reporting an incident that’s been going on for a few months. It must not be that bad if you waited so long.”
- “What did you think was going to happen?”
- “I thought you two were dating.”
- “I see that you have a history of reporting other students for harassment.”



Where were your hands?

Can you help me understand more about where your body was?

What time was it when this happened?

What do you remember about when it happened?

Did anyone else see what happened?

Can you tell me more about who else was there?



When Someone Discloses Harassment

- Listen to the students carefully and respectfully.
- Avoid judgment or victim-blaming language.
- Answer questions fully and/or offer follow-up.
- Advise students to record the incident in writing.
 - Complete: PIP J-2 Incident Complaint form for Allegation of Discrimination or Harassment
- Advise students about their rights and options.
- Assist students as necessary if they choose to report the harasser to school officials.
- Advise students on what to expect if they choose to report the harasser.
- Advise students on where they can get support in and outside of school.
- Assist or check up on students as they take the next steps and remind them to report any future sexual harassment.





Creating a positive, respectful school climate as it relates to Title IX

- Set the expectation and tone from the beginning of the year for staff, students and parents
- Ensure staff are aware of the Title IX Policy, PIP and their responsibilities
- Invite Project PEACE and/or The Healthy Relationships Task Force (HRT) to school orientation, back to school nights or to host awareness events and education presentations throughout the school year





Arlington HRT

Healthy Relationships Taskforce

- Students from all APS high schools
- The Youth Task Force of Project PEACE

What They Do:

- Promote healthy teen relationships through...
 - Educational campaigns
 - Guest speakers
 - Awareness Raising Events

Support HRT!

Encourage students groups and leaders to join the Task Force to represent the students at your schools

Part of the Arlington Teen Network Board





Know the Resources: For those needing support

Local:

- Doorways for Women & Families: Hotline and Counseling
 - 24/7 Hotline: 703-237-0881
- Child Advocacy Center: Resources and Support
 - <https://family.arlingtonva.us/childrens-advocacy-center>

National:

- Rainn Online Hotline & Educational Info: **Online.Rainn.org**
- Love is Respect Online Hotline & Educational Info:
LovelsRespect.org





A coordinated
community response
dedicated to
advancing the most
effective and efficient
array of education,
prevention,
protection, and
support services to
end domestic and
sexual violence in the
community.

Arlington's PROJECT PEACE



**Partnering to End Abuse in
the Community for Everyone**



For Educators

If you have questions about...

- Discrimination and/or Harassment Sex-based or otherwise (except for Disability) : Dr. Jeannette Allen x6187
- Discrimination and/or Harassment based on Disability: Dr. Laura Newton x6058
- Refer to Policy & PIP J-2 Student Equal Educational Opportunities/Nondiscrimination

If you are seeking Professional Development Opportunities....

- Fridays in February
- Spring-School Based Coordinators

