

**Title IX Sexual Harassment Training
Training Session 1
Agenda**

- I. Title IX Overview
- II. New Title IX Regulations Overview
- III. Sexual Harassment Allegations
 - a. Definitions
 - b. Title IX Flow Chart

Title IX Overview

Title IX of the Education Amendments of 1972 states that “[n]o 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,” subject to certain exceptions.

So Title IX prohibits discrimination based on sex in TPS’ education programs and activities. Title IX prohibits sex discrimination against both students and employees.

The types of discrimination covered under Title IX include:

- Sexual harassment
- Failure to provide equal opportunity in athletics
- Discrimination in schools’ science, technology, engineering, and math (“STEM”) courses and programs
- Discrimination based on pregnancy
- Retaliation

The United States Department of Education (“DOE”) enforces Title IX through the Office of Civil Rights (“OCR”). Employment discrimination complaints are typically referred to the Equal Employment Opportunity Commission (“EEOC”).

Title IX’s New Regulations

On May 6, 2020, the DOE issued new regulations regarding sexual harassment under Title IX, which took effect on August 14, 2020. The new regulations deal primarily with the issue of sexual harassment and outline TPS’ obligations in responding to allegations of sexual harassment.

Definitions

People

Complainant: alleged victim

Respondent: alleged harasser

Advisor: A person chosen by a party to be present during any grievance proceeding or related meeting. This person may or may not be an attorney.

Title IX Coordinator: Dr. Treva Jeffries

Investigator: Investigates formal complaints of sexual harassment and prepares a written investigative report

Grievance Decision-Maker (“GDM”): Reviews the investigation materials and issues a written determination regarding responsibility

Appeal Decision-Maker (“ADM”): Hears the appeal of a dismissal of a formal complaint or a decision by the GDM and issues a written decision.

Other

Formal Complaint: Document, signed by a complainant or by Dr. Jeffries, alleging sexual harassment against a respondent and requesting that TPS investigate the allegations.

Supportive Measures: Non-disciplinary, non-punitive, individualized services offered, as appropriate and as reasonably available, to a complainant and/or a respondent. Supportive measures free of charge to the complainant and respondent.

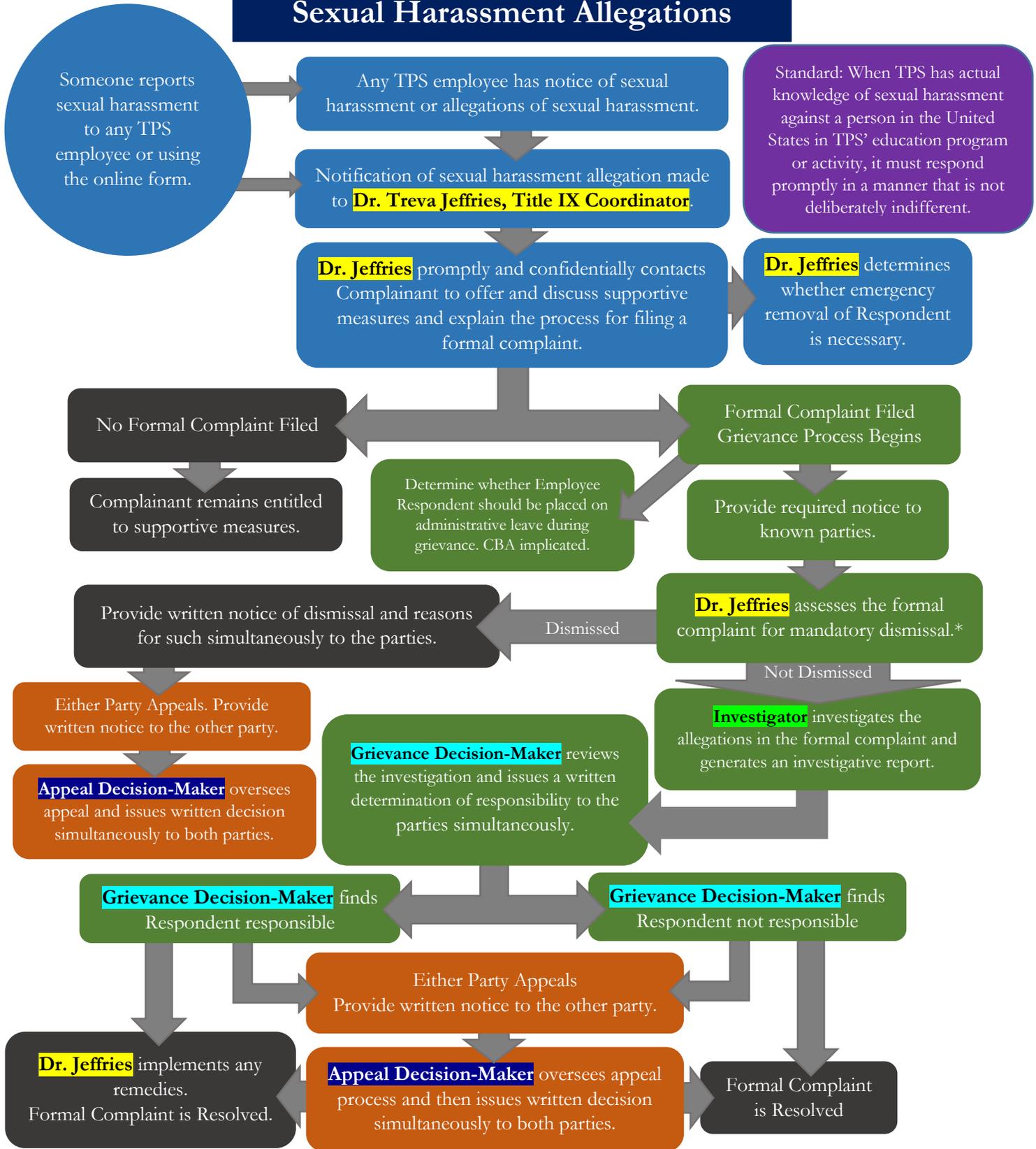
Remedies: When a respondent is found to be responsible for sexual harassment, TPS is required to provide remedies to the complainant. Remedies must be designed to restore or maintain equal access to TPS’ education program or activity. Remedies may include supportive measures. Remedies may also include punishment.

Consent: The affirmative indication, by words or overt acts, that a person is voluntarily agreeing to engage in the particular act or conduct in question. A person’s consent to engage in one act does not constitute consent to engage in all other acts. A person may withdraw consent at any time, and once consent is withdrawn, the conduct must immediately stop. A person who is physically or mentally incapacitated cannot give consent. A person who is under the age of 16 cannot consent to sexual conduct with anyone who is 18 years old or older. A person who is under the age of 13 cannot consent to sexual conduct with anyone who is 13 years old or older. A student cannot consent to sexual conduct with a teacher, administrator, coach, or other person in authority who is employed by or serving in the TPS district.

Sexual Harassment: Broadly defined to include conduct on the basis of sex that satisfies one or more of the following:

1. A TPS employee conditioning the provision of an aid, benefit, or service of TPS on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access to TPS' education program or activity (a.k.a. hostile educational environment); or
3. Any of the following:
 - a. Sexual assault, which is defined as an offense that meets one of the following definitions:
 - i. 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;
 - ii. 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 his or her age or because of his or her temporary or permanent mental incapacity;
 - iii. Incest: Sexual intercourse between two persons who are related to each other within the degrees wherein marriage is prohibited by law; or
 - iv. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent;
 - b. Dating violence: Violence committed by a person
 - i. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - ii. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 1. The length of the relationship.
 2. The type of the relationship.
 3. The frequency of interaction between the persons involved in the relationship.
 - c. Domestic violence: Felony or misdemeanor crimes 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 Ohio's domestic or family violence laws, or by any other person against an adult or youth victim who is protected from that person's acts under Ohio's domestic or family violence laws.
 - d. Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to
 - i. Fear for his or her safety or the safety of others; or
 - ii. Suffer substantial emotional distress.

Title IX Flow Chart Sexual Harassment Allegations



*Note: The formal complaint or an allegation in it may later be dismissed during the investigation or hearing if one of three conditions is met.

Informal Resolution: At any point after a formal complaint is filed and before a determination regarding responsibility is made, the parties may voluntarily engage in an informal resolution process (if applicable).
Facilitator of the Informal Resolution Process