



TITLE IX KEY PERSONNEL AND ROLES

Training Objectives

By the end of this presentation, Nassau County School District employees will be able to:

- Understand the new Title IX regulations;
- Understand and apply the terminology associated with Title IX;
- Identify key personnel, roles, and obligations for handling sexual harassment and sex discrimination matters.

PLEASE NOTE: This training is intended to provide guidance on Title IX regulations; however, it is not intended to serve as legal advice. Should anyone have any questions regarding this webinar, please contact the Office of the Assistant Superintendent at (904) 491-9900 or (904) 491-9905.

What is Title IX?

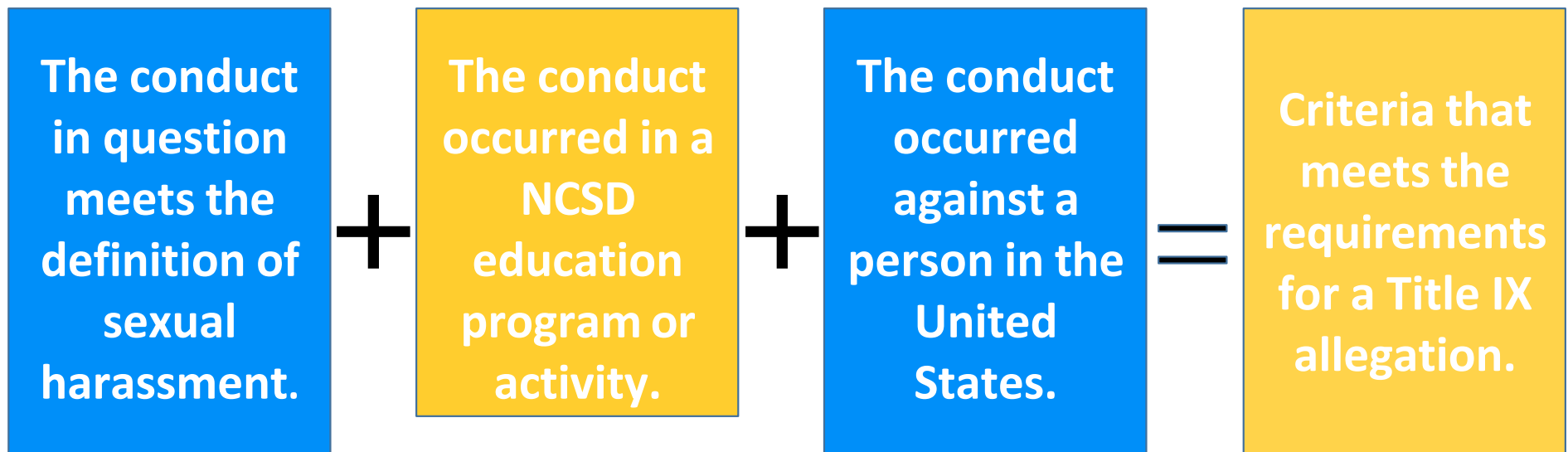
Title IX is a civil rights law that was passed by Congress in 1972 and required equality for both genders in education. It prohibits sex-based discrimination in educational institutions receiving federal funds. Title IX of the Education Amendments Act of 1972 reads as follows:

“No person in the United States shall, based on sex, be excluded from participating in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.”

Title IX also includes sexual and gender-based harassment and sexual violence.

Requirements for a Title IX Allegation

Title IX applies to allegations that meet the following criteria:



PLEASE NOTE: If the requirements are met, then schools must follow the Title IX grievance process. If any one of these elements is missing, then Title IX does not apply.

Education Program or Activity

- **“Education program or activity”** is broadly defined to include locations, events, or circumstances over which NCSD exercises **substantial control** over both the Respondent **and** the context in which the sexual harassment occurs, whether on or off NCSD property.
 - Examples include, but are not limited to:
 - extracurricular programs or activities;
 - school sponsored trips;
 - school dances;
 - sporting events; and
 - virtual classroom settings.

Anti-Discrimination and Harassment

- **School Board Policy 2.31** “forbids sexual harassment, or any other form of illegal harassment, of any employee, student, volunteer or visitor. The Board will not tolerate sexual harassment, or any other form of illegal harassment by any of its employees, students, volunteers or agents.”
- “The prohibition against discrimination, including sexual and other forms of illegal harassment, shall also apply to non-employee volunteers who work subject to the control of school authorities, and to all vendors or service providers who have access to School Board facilities.”

Title IX Personnel and Roles



Complainant (Victim)

Respondent (Accused)

Advisor

District Title IX Coordinator

School-Based Title IX Coordinator

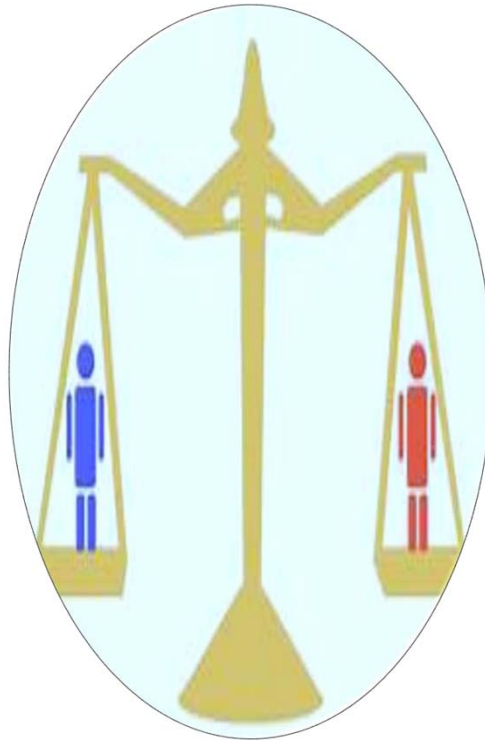
Investigator

Decision-Maker

Appellate Decision Maker

Complainant and Respondent

A **Complainant** is an individual who is alleged to be the **victim** of conduct that could constitute sexual harassment.



A **Respondent** is an individual who has been reported to be the **perpetrator** of conduct that could constitute sexual harassment.

Advisor

- According to 34 CFR §106.45, Complainants and Respondents have the right to choose an **Advisor** to assist them throughout the Title IX process. Schools may not limit a student's choice of Advisor or the presence of an Advisor.
- Advisors may attend all meetings and proceedings; however, restrictions may be placed on Advisors for both parties. For example, the recipient may establish restrictions regarding the extent to which the Advisor may participate in the proceedings, so long as the restrictions apply equally to both parties.
- An Advisor may be an attorney but is not required to be an attorney.

District Title IX Coordinator

The role of the **District Title IX Coordinator** is to:

- Oversee efforts to investigate, remedy, stop, and prevent all forms of gender-based harassment, including sexual harassment within educational programs and activities;
- Ensure the accuracy and appropriateness of the process;
- Guide timeline compliance;
- Arrange for appeals;
- Train Investigators, Decision-Makers and Appellate Decision-Makers;
- Supervise the investigative process;
- Help Investigators develop investigation strategy;
- Coordinate supportive measures; and
- Keep records.

School-Based Title IX Coordinator

- Each school must designate a Title IX Coordinator.
- **School-Based Title IX Coordinators** are Administrators who have been trained and are designated to:
 - Facilitate the flow of information between the school site and the **Office of the Assistant Superintendent** regarding any allegation of a sexual nature.
 - Gather the information necessary to determine:
 - What type of investigation is required based on the information available; and
 - Whether (and how) a matter needs to follow the detailed Title IX procedures required by **federal or state law or School Board policies**.

Title IX Investigator

Title IX Investigators are responsible for:

- Investigating formal complaints of sexual-harassment;
- Conducting thorough, reliable, and prompt investigations. Material record retention thereafter is an expectation;
- Acting impartially, by avoiding pre-judgment, bias, and conflicts of interest;
- Reviewing the applicable **federal and state laws and School Board policies** (and confirming their understanding with Professional Standards) to ensure that all necessary evidence has been gathered for Decision-Makers. ; and
- Drafting Investigative Reports.

PLEASE NOTE: This content will be discussed in greater detail in the Title IX Investigation training.

Title IX Decision-Maker

The role of the **Title IX Decision-Maker** is to:

- Receive the Investigative Report and evidence;
- Facilitate a follow up question and answer process for the Complainant and Respondent; and
- Use the applicable **federal and state law and School Board policies** to render a written determination regarding responsibility with findings of fact contained in the Investigative Report.

PLEASE NOTE: The Decision-Maker cannot be the same person(s) as the Title IX Coordinator or the Investigator(s).

Title IX Appellate Decision-Maker

The **Title IX Appellate Decision-Maker** is responsible for:

- Understanding the relevant definitions and the grounds for appeal;
- Responding to appeals in a timely manner;
- Returning the determination to the Decision-Maker for additional review (as necessary); and
- Providing the Complainant and Respondent with a determination on the appeal and the grounds for appeal, to include the following: procedural irregularities, newly discovered evidence, and/or conflicts of interest or biases of Title IX participants.

PLEASE NOTE: The Appellate Decision-Maker cannot be the same person as the Decision-Maker(s) that reached the determination regarding responsibility or dismissal, the Investigator(s), or the Title IX Coordinator.

Summary

- Complainants and Respondents have the right to have an Advisor of their choice.
- The District Title IX Coordinator oversees the Title IX process and works collaboratively with other Title IX personnel.
- School-Based Title IX Coordinators are liaisons between the school site and the Office of the Assistant Superintendent.
- Title IX Investigators investigate complaints and gather evidence.
- Title IX Decision-Makers review Investigative Reports and render decisions.
- The Title IX Appellate Decision-Maker responds to appeals and provides determinations on the appeals.

This concludes the Title IX Key Personnel & Roles webinar. Should you have any questions regarding this webinar, please contact the Office of the Assistant Superintendent.

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