



TITLE IX Training

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Background

- On May 19, 2020, the Secretary of Education amended the regulations implementing Title IX of the Education Amendments of 1972.
- These new regulations took effect on August 14, 2020.
- The updates contain many substantial and procedural changes, including new definitions, mandated training for all Title IX officials, a formal grievance process, and multi-investigator models.

Background

- What is Title IX?
- Federal Civil Rights Statute that prohibits discrimination on the basis of sex in education programs and activities that receive Federal financial assistance.
- What are the objectives of Title IX?
 - 1) To avoid the use of Federal resources to support discriminatory practices;
 - 2) To provide individual citizens effective protection against those practices.

Definitions

Sexual harassment is defined as:

1. Quid Pro Quo Harassment: An employee of the School conditioning the provision of an aid, benefit, or service of the recipient 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 the recipient's education program or activity;
3. "Sexual assault" as defined in the 20 U.S.C. 1092(f)(6)(A)(v),
4. "Dating violence" as defined in 34 U.S.C. 12291(a)(10),
5. "Domestic violence" as defined in 34 U.S.C. 12291(a)(8), or
6. "Stalking" as defined in 34 U.S.C. 12291(a)(30)

Liability

- A school with actual knowledge of sexual harassment in an education program or activity of the recipient against a person in the United States, must respond promptly in a manner that is not deliberately indifferent.
- Actual knowledge is notice of sexual harassment or allegations of sexual harassment to a recipient's Title IX Coordinator or any official of the School who has authority to institute corrective measures or an any employee of the school.

Liability

- A school will be found liable under Title IX if the school had actual knowledge of the incident and was deliberately indifferent in its response
 - Deliberate Indifference: A school acts with deliberate indifference only when it responds to sexual harassment in a manner that is clearly unreasonable in light of the known circumstances
 - A school who acts with deliberate indifference when they have actual knowledge will be found to commit intentional discrimination
 - A recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances

Responsibility

Once a school has actual knowledge of sexual harassment or a report of sexual harassment, the school must immediately respond:

1. The response must be prompt – reporting to Title IX Coordinator
2. The initial complaint and response must be confidential
3. The response, via the Title IX Coordinator, must provide immediate supportive measures
4. Must initiate the grievance/investigation process

Co-Existing Rights

- Non-Discrimination Policies
- Student Code of Conduct
- Employee Discipline Rights
- Bullying

Title IX Personnel

- These roles must be filled by different individuals
- Designated Title IX Personnel dealing with a complaint must be free of conflicts of interest regarding parties of the complaint.



Appeal Rights

- Following the investigation process both the complainant and the respondent have a right to appeal the decision
- Appeal Officer will review investigation and decision reports

Non-Retaliation

- Title IX contains provisions prohibiting retaliation against any individual who participates in a Title IX investigation in any way.
- Accusation of retaliation will result in additional penalty under Title IX



QUESTIONS?

Thank You

Additional comments or questions:
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