

Title IX Training

Title IX Workshop 2025

Presented by:

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What is Title IX?

Title IX is a landmark federal civil rights law that was enacted in 1972 that prohibits sex-based discrimination in any educational program or activity receiving federal funding. This means schools cannot discriminate against students or employees based on sex, including sexual harassment, sexual violence, and gender-based discrimination. It also ensure equal opportunities in athletics and other educational programs.

Title IX Provision

Title IX provides that: 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.

20 U.S. §1681 & 34 C.F.R. Part 106 (1972)

Sexual Harassment Defined

Hostile Environment:

- Unwelcome conduct
- Determined by a reasonable person
- To be so **severe, pervasive, and objectively offensive** that it effectively denies a person's equal access to the recipient's education program or activity.

Sexual Harassment Defined

Sexual Assault includes:

- Rape
- Fondling
- Incest
- Statutory Rape
- Sodomy
- Sexual Assault with an Object

Reporting Sexual Harassment: Who, How and When?

- Any person may report sex discrimination, regardless of whether the person is the alleged victim of the reported conduct
- Reports can be made by mail, by telephone, or by e-mail, using the contact information listed for the Title IX Coordinator
- Or by any means that results in the Title IX Coordinator receiving the person's report
- Such a report may be made at any time, including during non-business hours, by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator

What falls under Title IX:

- Sexual Harassment
- Sexual Assault
- Sexual Violence
- Harassment and Bullying based on gender or sexual orientation
- Transgender student matters
- Expectant and Parenting student matters

When must a school respond to Title IX sexual harassment?

A recipient (school system) with actual knowledge of sexual harassment in an education program or activity against a person in the United States must respond **promptly** and in a manner that is not deliberately indifferent.

Knowledge: Notice of sexual harassment or allegations of sexual harassment to:

1. A district's Title coordinator
2. Any official of the district who has authority to institute corrective measures on behalf of the district
3. Any employee of an elementary or secondary school

District's Essential Compliance Responsibility

OCR Guidance:

- **Stop**/end the behavior
- **Prevent** it from reoccurring
- **Remedy** the effects of the misconduct

Site designee's responsibility

Conduct an Initial Investigation

- Conduct a preliminary investigation

Obtain written statement from:

- Complainant/reporting party
- Respondent/party being accused
- Witnesses

Site designee's responsibility (Cont'd)

Gather evidence/information:

- Name of complainant (victim)
- Name of respondent (accused)
- Pertinent documents (texts, letters, e-mails, social media postings, etc.)
- Pictures, Videos, Audios if available
- School video surveillance if applicable

Site designee's responsibility (Cont'd)

Report incident to Title IX Coordinator

Immediately Report and forward all evidence/information **to the Title IX Coordinator** for review or further investigation

Avoiding Liability under Title IX

A school district is not held liable for damages under Title IX unless:

- School district must have exercised *substantial control over* both the *harasser* and the *context* in which the *harassment occurred*;
- The misconduct is so *severe, pervasive*, and *objectively offensive*, that it effectively deprived the victim of access to the educational opportunities or benefits provided by the school district;
- School district must have *Actual Notice*/knowledge of the misconduct, and was
- School district was *deliberately Indifferent* in addressing the misconduct
- School district's indifference subjected victim to harassment
- The incident occurred in the United States

The District can be liable for money damages under Title IX for Employee-on-Student harassment if:

- An official of the school district who at a minimum has authority to institute corrective measures on the district's behalf,
- Has actual notice of the teacher's misconduct, and
- Is deliberately indifferent to the teacher's misconduct (i.e. an official decision by the recipient not to remedy the violation)

The District can be liable for money damages under Title IX for Student-on-Student Harassment if:

- Notice and deliberate indifference standards are met,
- The school has substantial control over the “context in which the harassment occurs and over the harasser, and
- The conduct is “Sexual Harassment”, which is “so severe, pervasive, and objectively offensive” that it “effectively denies equal access to an institution’s resources or opportunities”

To Do for School Administrators

- Place a Title IX poster in a prominent place both in the front office and a commons area.
- Review Title IX protocol and instructions on the EBR website
- Assign a site designee to triage Title IX complaints

Title IX Coordinator Information

Title IX Coordinator: Andrew Davis

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Where to find Title IX information and instructions

Go to the East Baton Rouge Parish School System's web site and find the "Title IX" link at the bottom of the home page for all details regarding Title IX.