



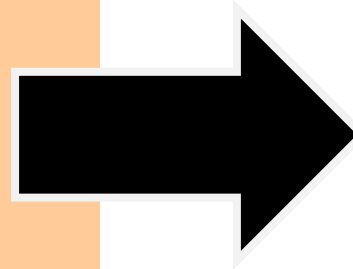
WHAT IS TITLE IX?

TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

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 educational program or activity
- Receiving federal financial assistance



- Denying admission in an educational program based on sex
- Disqualifying individuals from candidacy for opportunities on the basis of sex
- Providing unequal access to resources based on sex
- Engaging in gender-based or sexual harassment, such as unwelcome comments, advances, etc.

SEXUAL HARASSMENT = SEX DISCRIMINATION IN
EDUCATIONAL PROGRAMS OR ACTIVITIES

EFFECTIVE IMPLEMENTATION OF
REMEDIES FOR VICTIMS

PROMPT & SUPPORTIVE RESPONSES TO
ALLEGED VICTIMS

DUE PROCESS PROTECTIONS FOR ALLEGED VICTIMS &
ALLEGED PERPETRATORS.



PROMPT RESOLUTIONS TO ALLEGATIONS

PREDICTABLE & FAIR GRIEVANCE PROCESSES

TITLE 34 OF THE CFR PART 106 SUBPART D

TITLE IX DISCRIMINATION PROHIBITION ON THE BASIS OF
SEX IN EDUCATIONAL PROGRAMS/ACTIVITIES

SEXUAL HARASSMENT DEFINITIONS



QUID PRO QUO: A school employee conditioning educational benefits on participation in unwelcome sexual conduct; or

UNWELCOME CONDUCT that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution's education program or activity; or

SEXUAL ASSAULT (as defined in the Clery Act), or

DATING VIOLENCE, DOMESTIC VIOLENCE, OR STALKING (as defined in the Clery Act as amended by the Violence Against Women Act (VAWA))

SEXUAL HARASSMENT SCOPE

SEXUAL ASSAULT

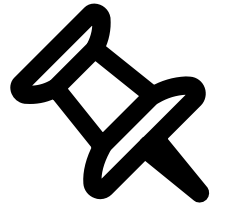
DATING VIOLENCE

DOMESTIC VIOLENCE

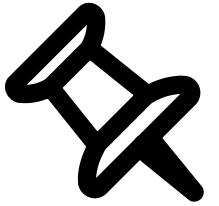
STALKING

SEX OFFENSES – any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent:

- Rape - Sodomy – Fondling
- Incest - Statutory Rape



SEXUAL HARASSMENT: KEY DEFINITIONS



“SEXUAL ASSAULT” – “forcible or nonforcible sex offense under the inform crime reporting system of the Federal Bureau of Investigation.”

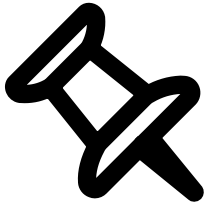
- 20 U.S.C. 1092(f)(6)(A)(v)

“STALKING” – “engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others; or (b) suffer substantial emotional distress.”

- 34 U.S.C. 12291(a)(30)

Consult with Institutional Counsel regarding application of the FBI Uniform Crime Reporting System definitions for Rape, Sodomy, Fondling, Incest, and Statutory Rape

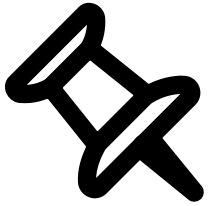
SEXUAL HARASSMENT: KEY DEFINITIONS



“DATING VIOLENCE” – “violence committed by a person who is or have been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such relationship shall be determined by on consideration of the following factors: (i) the length of the relationship, (ii) the type of relationship, (iii) the frequency of interaction between the persons involved in the relationship.”

- 34 U.S.C. 12291(a)(11), see also 12291(a)(10)

SEXUAL HARASSMENT: KEY DEFINITIONS



“DOMESTIC VIOLENCE” – “includes 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 the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.”

- 34 U.S.C. 12291(a)(8)

- ACTUAL KNOWLEDGE
- THE CONDUCT MUST FALL WITHIN THE SCOPE OF THE TITLE IX SEXUAL HARASSMENT DEFINITIONS
- JURISDICTION
- EDUCATIONAL PROGRAMS & ACTIVITIES
- INSTITUTIONAL CONTROL (RESPONDENT & CONTEXT IN WHICH THE HARASSMENT OCCURS)
- FORMAL COMPLAINT

TITLE IX REQUIREMENTS: *KEY CONSIDERATIONS*