



2020 Title IX Regs Overview:

Commitment Beyond Compliance for
K-12 Schools and Districts

Your Presenters



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Regulatory Changes

- Released on May 6, 2020
- **Effective on August 14, 2020**

Roles and Responsibilities

- Title IX Coordinator (required for the district)
- Deputy IX Coordinators (consider appointing a deputy for each school)
- Investigators (TIXC may conduct investigations)
- Decision-makers
- Appellate decision-makers
- Informal Resolution facilitators
- “Appropriate School Officials” are individuals who have “notice” of sexual harassment: **includes all school employees.**

Definition of Sexual Harassment

- Sexual Harassment is conduct on the basis of sex that meets one of the following conditions:
 - An employee conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct;
 - 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; or
 - Sexual assault, dating violence, domestic violence, or stalking as defined in federal law.

Key Response Elements

- Notify parents/guardians of reports (and option to file formal complaint).
- Supportive measures (available to all parties).
- Emergency removals (in very limited circumstances).
- Informal resolution options.
- Investigations of allegations (after specific written notice to the parties).
- Advisor of choice.
- Burden on school to gather and collect evidence.
- Parties have access to evidence and the investigation/report.

Key Response Elements

- Questioning by an independent decision-maker, and right to pose questions to other party and witnesses.
- Specific written determination letters.
- Required appeal.
- Very specific and robust **training** requirements:
 - Title IX Coordinators, investigators, decision-makers (incl. appeals), informal resolution facilitators.
- Impact on employee issues.
- Record-keeping requirements.

ATIXA's Recommended Summer 2020 Action Plan

- Review and revise Title IX policies/procedures.
- Review and revise codes of conduct and handbooks (including employee).
- Identify who will fulfill various roles.
- Identify how you will complete mandatory training.
- Plan for community outreach to students, employees, parents/guardians, and others.

Upcoming Certification Training Opportunities with ATIXA

- K-12 Investigator
 - August 5-6
- Advanced Topics in K-12
 - August 3-4
- New OCR Regulations and Compliance
 - Fridays in July
 - July 22-23

Additional Resources

- ATIXA's 2020 Regs Rapid Response (R³) Resource Center – <https://atixa.org/r3/>
- Joining ATIXA is your BEST option to access R³ content. For more information about ATIXA membership, please visit <https://atixa.org/r3-membership/>

Questions?





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