

Title IX Policy & Procedures

STRIVE Prep: 2020-2021 School Year



What's Title IX?



Title IX is a federal law that makes it illegal to harass or discriminate against a person on the basis of sex in any federally funded activity or program. As a recipient of federal funds, STRIVE Prep must prohibit the discrimination on the basis of sex and adhere to all Title IX regulations.

"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."

Please be aware that Title IX also has implication for discipline, single sex classes or activities, sports and extracurricular activities, pregnant and parenting students, and employment, among others. If you have any questions about Title IX that are not covered here, please contact Susan Morris or Jessica Johnson for more information.

Objectives:

- LWBAT describe 2020-2021 updates under the new rule.
- LWBAT determine the different roles and responsibilities involved with Title IX procedures.
- LWBAT follow all Title IX procedures, including communication, paperwork completion, submission, and follow-up.

What is different under the new rule?

- 1) Terminology & Definitions
- 2) Roles & Responsibilities of school staff
- 3) Required Notification & Documentation
- 4) Record Keeping & Public Posting

Terminology & Definitions

Title IX Sexual Harassment is defined as Conduct on the basis of sex that satisfies one or more of the following:

An employee of STRIVE Prep conditions the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct; or 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 educational program or activity; or Sexual Assault, Dating Violence*, Domestic Violence*, or Stalking**

***For full definitions of these terms please refer to [STRIVE Prep's Title IX Internal Guidance](#)**

Terminology & Definitions

[STRIVE Prep's Title IX Internal Guidance](#) also provides an overview of terminology specific to the new rule as compared to previous guidance & definitions of essential terms.

Please review this terminology in detail now and record any questions you have regarding these terms.

Title IX Sexual Harassment
Deliberately Indifferent
Education Program or Activity
Actual Knowledge
Complainant
Formal Complaint
Document filed by a Complainant
Respondent
Supportive Measures
Emergency Removal
Exculpatory Evidence
Inculpatory Evidence
Standard of Proof

Roles & Responsibilities of School Staff

Per the Rules, there are at least four distinct roles in the Title IX grievance process.

1. The Title IX Coordinator (and designees) - interim Susan Morris
2. **The investigator - APC/Dean**
3. **The decision maker - Principal**
4. An appeals officer

Roles & Responsibilities- The investigator (APC/Dean)

- Objectively evaluate all relevant evidence
- Ensure that credibility determinations of evidence are not determined based on a person's status as a Complainant, Respondent or witness
- May not have a conflict of interest or bias for or against Complainants or respondents generally or an individual complainant or respondent.
- Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on STRIVE Prep and not on the parties
- Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses and other inculpatory and exculpatory evidence
- Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence
- Provide the parties with the same opportunities to have others present during any grievance proceedings
- Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants and purpose of any investigative interviews
- Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint
- Prior to the completion of the investigative report, send to each party the evidence subject to inspection and review in an electronic format (or hard copy), giving the parties five days to submit a written response, which the investigator must consider prior to completion of the investigative report
- Create an investigative report that fairly summarizes relevant evidence and at least five days before a determination is made, send to each party for their review and opportunity to submit written relevant questions

Roles & Responsibilities- The decision maker (Principal)

The decision maker cannot be the same person(s) as the Title IX Coordinator or the investigator(s) must issue a written determination regarding responsibility.

Prior to issuing the written determination, the decision maker must afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers and allow for limited follow up questions from each party. If the decision maker deems any question as not relevant, the decision maker must explain to the party proposing the question the decision to exclude based on relevancy.

The decision maker must make a determination regarding responsibility based on the process outlined herein and submit written documentation also as set forth herein.

Required Notification & Documentation

Required Notifications/Documentation

[Sexual Harassment Complaint Form](#)

[Initial Assessment Form](#)

[Notice to Respondent Of Formal Complaint of Title IX Sexual Harassment](#)

[Notice to Party of Interview or Meetings](#)

[Notice Of Evidence](#)

[Investigative Report](#)

[Notice of Determination](#)

[Notice Of Dismissal of Formal Title IX Complaint](#)

[Supportive Measures](#)

Record Keeping and Public Posting

Record Keeping

STRIVE Prep must maintain, for a period of seven (7) years, the records listed below. The regulations are not retroactive. **The seven-year period starts on August 14, 2020 and runs forward for seven years from that date.**

Public Posting

STRIVE Prep must post on its website

- Contact information for the Title IX Coordinator
- Title IX Grievance Policy and Resolution Process
- Training materials

Additional Resources

[Title IX Grievance Policy and Procedures](#)

[STRIVE Prep Discrimination and Harassment Policy and Procedures](#)