

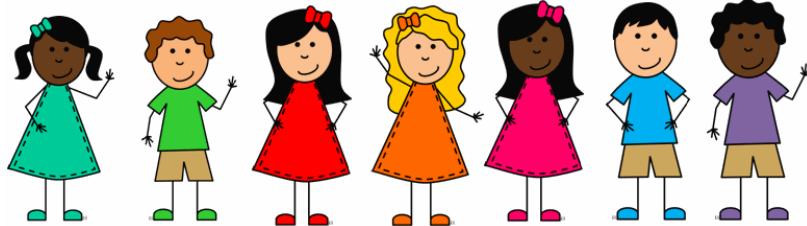


Title IX and Civil Rights

Nicole B. Rutherford
Executive Director/District Title IX Coordinator
Office of Civil Rights Compliance

July 24, 2020

Title IX



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.

► *Title IX of the Education Amendments of 1972*

Changes to Title IX Regulations

- ▶ The new Title IX regulations were issued on May 6, 2020.
- ▶ School districts across the country are expected to become compliant by August 14, 2020.
- ▶ Several lawsuits have been filed by various states, individual school districts, and victim's rights organizations attempting to enjoin the regulations from becoming effective on August 14th for various reasons.
- ▶ Irrespective of this, our District is moving forward towards becoming complaint.

Definitions

Complainant: an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

- ▶ Parents and guardians who have a legal right to act on behalf of parties may do so, including by filing formal complaints.

Respondent: an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Changes to Title IX Regulations

- ▶ Under the regulations, any of the following conduct on the basis of sex, constitutes **sexual harassment**:
 - ▶ A school employee conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct (often called “quid pro quo” harassment);
 - ▶ 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 school’s education program or activity; or
 - ▶ Sexual assault, dating violence, domestic violence, or stalking as defined by Federal law.

When must a school respond?



A school must respond when:

- (1) the school has *actual knowledge* of sexual harassment;
- (2) which occurred within the school's education program or activity (situations over which the school exercised substantial control);
- (3) against a person in the United States.

The Final Rule expands “actual knowledge” to include notice to any elementary or secondary school employee.

Important Provisions

- ▶ Both parties must now receive written notice of the allegations with sufficient detail for a respondent to respond (i.e. who, when, where, etc.)
- ▶ The parties have the right to select an advisor of their choice to be present at all stages of the investigative process
 - ▶ May be an attorney and can be in addition to their parent, in the case of a student respondent, and in addition to a union representative in the case of an employee respondent.
- ▶ The parties have the right to submit and review evidence throughout the investigation
- ▶ There is a presumption that the respondent is not responsible during the grievance process
- ▶ The standard of proof must be stated.

Important Provisions

- ▶ No “single investigator” models
- ▶ It is very important to note that no disciplinary action can be taken against a respondent in a Title IX sexual harassment case before this entire process (through appeal) is completed.
- ▶ The parties are now given the opportunity to submit written questions for the other parties and witnesses to answer
- ▶ Both parties have an equal opportunity to appeal on 3 enumerated bases
- ▶ Records of all sexual harassment reports and investigations be maintained for 7 years.

What does this mean for our school site administrators?

- ▶ Principals will need to designate a Title IX Liaison at their school (must be an AP) responsible for the facilitation of information to and from the CRC Office.
- ▶ All principals, APs and Title IX Liaisons will need to undergo extensive Title IX training by the CRC Office on how to properly handle these cases.
- ▶ Principals need to understand they will still be responsible for other types of student on student investigations pursuant to School Board policy. The staff of the CRC office is ready and willing to assist you all with those cases as well.
- ▶ Again, it is very important to note that no disciplinary action can be taken against a respondent before this process is completed!

Protected Categories

Age*	GINA*	Political Beliefs
Color*	Race*	Social/Family Background
Disability*	Religion*	Sexual Orientation
Ethnic/National Origin*	Pregnancy*	Linguistic Preference
Family Medical Leave Act (FMLA)*	Citizenship Status	Retaliation* -Filing a complaint -Participating in a complaint
Gender*	Gender Identity	
Sexual Harassment*	Marital Status	

School Board Policies 5517 & 5517.02

- ▶ School Board Policies 5517 and 5517.02 are the policies that will guide you as a school site administrator in properly handling complaints of discrimination or harassment of and by students.
- ▶ If you closely follow the procedures listed in 5517.02, you will be in a great position to ensure that you have done all that you can to protect your student's safety and civil rights.
- ▶ The first step in the policies for student complaints is to notify the CRC Office within twenty-four (24) hours of receiving the complaint of harassment.

Employee Discrimination and Harassment Policies

M-DCPS ANTI-DISCRIMINATION/HARASSMENT POLICIES

- ▶ *1362 - Administrators
- ▶ *3362 - Instructional Staff
- ▶ *4362 - Non-Instructional Staff
- ▶ *5517 - Students

STANDARDS OF ETHICAL CONDUCT (1210, 3210, 4210)

All employees are representatives of the District and shall conduct themselves, both in their employment and in the community, in a manner that will reflect credit upon themselves and the school system.

Tips for Conducting Investigations

- ▶ It is critical that you listen, are present, avoid judgment, and do not blame the complainant for what happened.
- ▶ Avoid statements that indicate that you do not believe the person you are interviewing during the investigation.
- ▶ Avoid statements and comments about possible outcomes.



Office of Civil Rights Compliance

[Home](#)[Anti-Discrimination Policy](#)[Core Services](#)[Frequently Asked Questions](#)[Helpful Websites](#)[How To File a Complaint](#)[Posters](#)[Protected Categories](#)[Request For Training](#)[HR Services Feedback](#)[Contact Us](#)[Title IX & Sexual Harassment](#)

Welcome Applicants, Parents, Students, Employees and Vendors to the
Office of Civil Rights Compliance

Vision

In Miami-Dade County Public Schools, our diverse student population and workforce are treated in a fair and equitable manner that respects:

Resources - Civil Rights Compliance Website

Mission Statement

The Office of Civil Rights Compliance (CRC) strives to ensure that all members of Miami-Dade County Public Schools (M-DCPS) value and respect each others' contributions and opinions without regard to gender, race, social or ethnic background, or any of the protected categories. CRC's mission is to deter and investigate complaints of harassment and discrimination based on the protected categories. We carry out this mission through proactive training regarding discrimination/harassment and cultural sensitivity, as well as by conducting fair, impartial and timely investigations. Additionally, CRC responds to complaints/charges filed with state and/or federal enforcement agencies.

Core Values

- Support and embrace diversity
- Exemplify equity and fairness
- Respect the worth and dignity of all
- Exercise integrity and ethics

Notification of Policies

- ▶ In the coming weeks, please pay close attention to Weekly Briefings from the CRC Office. These will provide updated discrimination and harassment posters.
 - ▶ Once the new posters are issued, old versions should be discarded.
- ▶ Ensure posters are displayed prominently in school sites
- ▶ English, Spanish and Haitian Creole posters are available
- ▶ Ensure Parent/Student Handbook is updated on school website
- ▶ Make printed copies of Parent/Student Handbook available at your school.

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
ADHERES TO A POLICY OF NONDISCRIMINATION IN THE EDUCATIONAL AND WORK ENVIRONMENT

DISCRIMINATION / HARASSMENT

It is the policy of the School Board that all students and employees be treated with respect. The School Board affirmatively strives to provide a workplace and educational environment free from discrimination and harassment (including sexual harassment), as required by law. Through this policy, the School Board establishes its intent to provide equal access, opportunity, and treatment to students in the provision of educational programs and activities and to applicants and employees in all aspects of employment. Slurs, innuendos, hostile treatment, violence, or verbal or physical conduct against a student or employee reflecting on his/her race, ethnic or national origin, gender or any other of the categories described below, will NOT be tolerated by the School Board.

The School Board Policy Covers the Following Protected Categories:

AGE - This category prevents denial of employment and/or educational opportunities because of a person's age.	MARITAL STATUS - This category prevents denial of employment and/or educational opportunities because of a person's marital status; i.e. single, married, widowed, or divorced.
COLOR - This category prevents denial and/or educational opportunities because of a person's skin tone. Color discrimination can occur within the same race; for example someone who has a darker complexion may discriminate against someone that has a lighter complexion.	POLITICAL BELIEFS - This category prevents denial of employment and/or educational opportunities because of a person's support and/or affiliation with a particular political party.
DISABILITY - This category prevents denial of employment and/or educational opportunities because of a person who has, or is perceived to have a permanent impairment that substantially limits or prevents a major life activity; for example: walking, seeing, hearing, talking, sitting, or standing.	PREGNANCY - This category prevents denial of employment and/or educational opportunities for women who are pregnant.
ETHNIC/NATIONAL ORIGIN - This category prevents denial of employment and/or educational opportunities because of a person's ethnicity or national origin; place of birth, or because an individual has the physical, cultural or linguistic characteristics of a particular group.	RACE - This category prevents denial of employment and/or educational opportunities because of a person's race. The five federally recognized racial categories are American Indian or Alaskan Native, Asian, Black or African American, Hawaiian or Other Pacific Islander, and White. Persons from a mixed race background are also protected under this category. It is illegal to discriminate against someone based on race. Likewise, this category covers persons being discriminated against because they are married to persons of a different race other than their own.
GENDER - This category prevents denial of employment and/or educational opportunities because of a person's gender or sex.	RELIGION - This category prevents denial of employment and/or educational opportunities because of a person's sincerely held religious beliefs.
GENDER IDENTITY - This category prevents denial of employment and/or educational opportunities because of a person's gender-related identity, appearance, expression or behavior, regardless of the individual's assigned sex at birth.	SEX - This category prevents denial of equal employment and/or educational opportunities because of a person's male or female gender.
GENETIC INFORMATION (GINA) - This category prevents denial of equal employment and/or harassment because of a person's genetic information. It ensures that individuals are not treated differently because of genetic information.	SEXUAL ORIENTATION - This category prevents denial of equal employment and/or educational opportunities because a person is, or is perceived to be, lesbian, gay, bisexual, or heterosexual.
LINGUISTIC PREFERENCE - This category prevents denial of employment and/or educational opportunities because of the language a person speaks.	SOCIAL AND FAMILY BACKGROUND - This category prevents denial of employment and/or educational opportunities because of a person's socio-economic, family and/or educational background.

Sexual Harassment will NOT be tolerated.

TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 PROHIBITS SEXUAL HARASSMENT WHICH INCLUDES:
UNWELCOME SEXUAL ADVANCES; REQUESTS FOR SEXUAL FAVORS;
AND OTHER VERBAL OR PHYSICAL CONDUCT OF A SEXUAL NATURE, WHEN:

- Submission to such conduct is made, either explicitly or implicitly, a term or condition of employment or participation in an educational program;
- Submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or educational environment. Unwelcome verbal or physical sexual conduct must be either severe or pervasive.

RETALIATION AGAINST A STUDENT OR EMPLOYEE WHO FILES A COMPLAINT IS PROHIBITED BY LAW

Retaliation occurs when an employer takes an adverse action against an employee because he or she engaged in a protected activity, such as complaining about discrimination or threatening to file a charge of discrimination. An employee cannot file a complaint of retaliation unless he/she has filed a charge of discrimination, participated in an investigation or opposed an unlawful employment practice.

For additional information about Title IX or any other discrimination/harassment concerns contact:

Office of Civil Rights Compliance (CRC)
Executive Director/TITLE IX Coordinator
155 N.E. 10th Street, Suite P104E
Miami, Florida 33132
Phone: (305) 995-1580 TDD: (305) 995-2400
Email: crc@dadeschools.net
Website: <http://crc.dadeschools.net>

For information on Section 504 of the Rehabilitation Act of 1973 or any other student disability concerns contact:

Division of Special Education
504 Coordinator
1501 N.E. 2nd Avenue, Suite 409
Miami, Florida 33132
Phone: (305) 995-7015 TDD: (305) 995-2400
Email: ese@dadeschools.net
Website: <http://ese.dadeschools.net>

Rev. 08/2017



My Space - My Rules

SEXUAL HARASSMENT IS NEVER OK.

What is Sexual Harassment?

Sexual harassment is **unwelcome** actions or words of a sexual nature or based on sex or gender. This includes comments or conduct about pregnancy, sexual orientation, or gender identity.

Sexual harassment can happen at school, online, and in some cases off campus. It may involve students or adults from school.

How Can I Ask for Help?

1. You have a right to report it: Talk to your principal or assistant principal. You can also contact your school district's Title IX coordinator at 305.995.1580 (TDD: 305.995.2400), crc@dadeschools.net, Mailbox #9760, or 155 N.E. 10th St. Suite P104E, Miami, FL 33132 (Mon-Fri, 8:00am-4:30pm).

2. You have a right to file a complaint: Go to <https://hrdadeschools.net/civilrights> and click on "How To File A Complaint" to fill out a complaint form. Give the complaint form to your principal, assistant principal, or your school district's Title IX coordinator.

3. You have the right to ask for help: If sexual harassment has interfered with your ability to participate in school, you have the right to ask for support.

Learn More

Learn more about School Board Policy 5517.02 at <http://dadeschools.net/schoolboard/rules>.

Examples of Words or Actions That Could Be Sexual Harassment

> making sexual comments, gestures, jokes, or "catcalls" to or about someone

> taking a sexual picture or recording a sexual video of someone without their permission

> spreading sexual rumors (by text, in person, or online)

> touching, grabbing, or pinching someone in a deliberately sexual way when it is unwelcome

> writing sexual messages about someone on bathroom stalls or in other public places, including on a social media network

> asking someone to send you a naked picture of themselves ("nude") when the request is unwelcome

> sharing or threatening to share a sexual picture or video that someone has sent you with other people, sending it to other people, or posting it on social media without that person's permission

> calling someone a sexual or gender-based slur

> asking someone to date or be intimate after the person has already said no

> making sexual comments or offers while pretending to be someone else online

> pulling at someone's clothing or brushing up against them in a purposefully sexual way when it is unwelcome

> kissing someone or touching someone's private body parts when it is unwelcome

> any romantic or sexual encounter between a student and an adult at school



Questions



Contact Information

Office of Civil Rights Compliance (CRC)
155 N.E. 15th Street, Suite P104E
Miami, FL 33132

Phone: (305) 995-1580
Fax: (305) 995-2047
Email: crc@dadeschools.net
Website: <https://hrdadeschools.net/civilrights>



@MDCPSCRC