



**EQUAL EDUCATIONAL OPPORTUNITIES (EEO)/ADA COMPLIANCE**

# **TITLE IX FINAL REGULATIONS**

**PROFESSIONAL STANDARDS COMMITTEE MEMBERS**

# EQUAL EDUCATIONAL OPPORTUNITIES(EEO)/ADA COMPLIANCE

## Title IX

The U.S Department of Education's Office for Civil Rights (OCR) enforces Title IX of the Education Amendment of 1972. Title IX protects people from discrimination based on sex in education programs or activities that receive federal funds.

### Title IX states:

No person in the United States shall, on the Basis of sex, be excluded from participating in, denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.



# EQUAL EDUCATIONAL OPPORTUNITIES(EEO)/ADA COMPLIANCE

The U.S Department of Education amended the Regulations implementing Title IX of the Education Amendment. The Final Rule was issued on May 6, 2020 and will becomes **effective August 14, 2020.**



# EQUAL EDUCATIONAL OPPORTUNITIES(EEO)/ADA COMPLIANCE

## Who/what activities are covered by Title IX?

Title IX protects students, employees and applicants against sex discrimination in connection with all academic, educational, extracurricular, athletic and other programs that occur:

- On-campus
- Off-campus activities that are school-related (school bus, class at another location, field trips, interscholastic athletics)
- Admission, recruitment & retention, scholarships, counseling and appraisal materials, administration of courses, marital/parental status and pregnancy and employment. (pregnant & parenting student).



# EQUAL EDUCATIONAL OPPORTUNITIES(EEO)/ADA COMPLIANCE

The Title IX 2020 Final regulation specify the following **administrative requirements**:

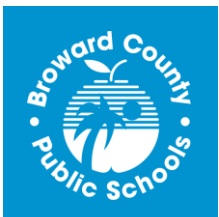
- **Adopt** policies & procedures for preventing and correcting sex discrimination, including sexual harassment & sexual misconduct. (SB Policy # 4001.1)
- Designation of a **Title IX Coordinator**
- How to **report** Sexual Harassment
- **Respond** to allegations of sexual harassment and promptly support the alleged victim.



# EQUAL EDUCATIONAL OPPORTUNITIES (EEO)/ADA COMPLIANCE

The Title IX 2020 Final regulation specify the following **administrative requirements: (continued)**

- Adopt a **Grievance/investigative** procedure fair & impartial that provides due process for alleged victim and alleged perpetrator of sexual harassment. (SB Policy 4001.1)
- Effectively implement **remedies for victims.**
- Retaliation
- Title IX training



# EQUAL EDUCATIONAL OPPORTUNITIES (EEO)/ADA COMPLIANCE

## VERY IMPORTANT REQUIREMENT & RESPONSIBILITY:

### Respond/Report to Sexual Harassment:

When the District has actual knowledge, with or without a formal complaint, of sexual harassment in its education program or activity against a person, it will respond promptly and in a manner that is not deliberately indifferent.

Principals/Supervisors must contact the Department of EEO/ADA Compliance, specifically, Director of EEO/ADA Compliance/Title IX Coordinator, to report any complaints of sex discrimination including sexual harassment.



# EQUAL EDUCATIONAL OPPORTUNITIES(EEO)/ADA COMPLIANCE

## **TITLE IX defines Sexual Harassment:**

As a conduct on the basis of sex, which satisfies one of the following:

1. An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcomed sexual conduct;
2. Unwelcome conduct is determined by a reasonable person to be severe, pervasive, and objectively offensive when it effectively denies a person equal access to the District's education program or activity;





# EQUAL EDUCATIONAL OPPORTUNITIES(EEO)/ADA COMPLIANCE

## 3. Sexual Assault, which includes the following:

- a. **Sex Offenses**, Forcible-any sexual act directed against another person, without the consent of the complainant including instances where the Complainant is incapable of giving consent.
- b. **Forcible Rape** -- Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Complainant.
- c. **Forcible Sodomy**—Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will (non-consensually) in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.



# EQUAL EDUCATIONAL OPPORTUNITIES(EEO)/ADA COMPLIANCE

## 3. Sexual assault, which includes the following: (Continued)

d. **Sexual Assault With An Object**—To use an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will (non-consensually) in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

e. **Forcible Fondling**—The touching of the private body parts of another person (buttocks, groin, breasts) for the purpose of sexual gratification, forcibly and/or against that person's will (non-consensually) or not forcibly or against the person's will in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.



## 3. Sexual assault, which includes the following: (Continued)

f. Sex Offenses, Nonforcible— Nonforcible sexual intercourse.

g. **Incest**—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Florida law.

h. **Statutory Rape**—Nonforcible sexual intercourse with a person who is under the statutory age of consent in accordance with Florida law.



# EQUAL EDUCATIONAL OPPORTUNITIES(EEO)/ADA COMPLIANCE

4. **Dating Violence**, defined as: violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. **For the purposes of this definition:**

- a. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- b. Dating violence does not include acts covered under the definition of domestic violence.



# EQUAL EDUCATIONAL OPPORTUNITIES(EEO)/ADA COMPLIANCE

5. **Domestic Violence**, defined as: a felony or misdemeanor crime of violence committed—
- a. By a current or former spouse or intimate partner of the Complainant;
  - b. By a person with whom the Complainant shares a child in common;
  - c. By a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner;
  - d. By a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the State of Florida; or
  - e. By any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Florida.



# EQUAL EDUCATIONAL OPPORTUNITIES(EEO)/ADA COMPLIANCE

6. **Stalking**, defined as: engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- a. Fear for the person’s safety or the safety of others; or
- b. Suffer substantial emotional distress.
- c. For the purposes of this definition—

1. Course of conduct means two or more acts, including, but not limited to acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.

2. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.

3. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.



# EQUAL EDUCATIONAL OPPORTUNITIES(EEO)/ADA COMPLIANCE

## PSC members must:

- Be impartial
- Avoid prejudgment of the facts at issue
- Avoid conflict of interest
- Avoid bias



## RETALIATION

**Any** adverse action that a company takes against an employee because he or she filed a complaint or participated in the complaint process. Adverse action can include actions such as firing the employee, giving them negative evaluations, disciplining or demoting them, reassigning them or reducing their pay.





**Questions? Need Assistance?**

**EEO/ADA Compliance**  
**754-321-2150**

