



Title IX Training

August 4th, 2020

Welcome and Introductions

- ▶ MRESC Governing Board Members
- ▶ MRESC Administrative Team
- ▶ Central Office Staff Members
- ▶ New Staff Members
- ▶ Administrative Assistants
- ▶ Aides and Paraprofessionals
- ▶ LPDC Leadership
- ▶ Occupational Therapists and OTA's
- ▶ Physical Therapists and PTA's
- ▶ Speech Language Pathologist
- ▶ Teachers of the Visually Impaired
- ▶ Gifted Intervention Specialists
- ▶ Early Childhood Teachers
- ▶ Intervention Specialists
- ▶ School Psychologists
- ▶ Interpreters / Brailists
- ▶ School Nurses / Health Aides/
Medical Assistants
- ▶ Opportunity School Staff
- ▶ Career Readiness Advisor
- ▶ Innovation and Design Coach
- ▶ Others

New Title IX Regulations and YOUR Responsibility

- ▶ What is 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.

Question: Whom does Title IX protect?

- ▶ Answer: Any person participating in an educational program in the United States that receives federal financial assistance (i.e. School Districts)
 - ▶ Students
 - ▶ Staff
 - ▶ Visitors and Community Members

Question: What does Title IX protect Against?

- ▶ Answer: Exclusion from participation in, or denial of benefits of, any educational program or activity on the basis of sex, which includes sexuality and gender identity.
 - ▶ Admissions
 - ▶ Classes and curricular activities
 - ▶ Extracurricular activities (including athletics)
 - ▶ Discipline
 - ▶ Sexual harassment
 - ▶ Sexual violence

Recognizing Sexual Harassment or Sexual Discrimination

- ▶ Just as you are responsible to report child abuse, you are also responsible to report any instance of sexual harassment or sexual discrimination that you experience, observe, or hear about.
- ▶ Your responsibility to report SH or SD extends to students, staff members, or other adults, children, community members, etc.

Defining Sexual Harassment

- ▶ Conduct on the basis of sex that satisfies one or more of the following:
 1. A board employee placing conditions on the provision of assistance, benefit, or service, on an individual's participation in unwelcome sexual conduct (i.e., quid pro quo sexual harassment);
 2. 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
1. "Sexual assault," "dating violence," "domestic violence," or "stalking."

EXAMPLES OF SEXUAL HARASSMENT OR BOUNDARY VIOLATIONS: STAFF

- ▶ Being overly “touchy” with students; lap sitting, hugging.
- ▶ Talking about sexual topics that are not related to curriculum.
- ▶ Being alone with a student behind closed doors without a legitimate educational purpose.
- ▶ Going to a student’s home for non-educational purposes;
- ▶ Inviting students to the staff member’s home without proper chaperones.
- ▶ Using e-mail, text, or social media to discuss personal matters with students.

EXAMPLES OF SEXUAL HARASSMENT OR BOUNDARY VIOLATIONS: STAFF

- ▶ Telling a student “secrets” and having “secrets” with a student.
- ▶ Talking to a student about problems normally discussed with adults (e.g., marital issues).
- ▶ Favoring certain students by inviting them to come to the classroom at non-class times; getting a student out of class to visit with the staff member.
- ▶ Telling sexual jokes to students; engaging in sexual innuendo.
- ▶ Invading a student’s privacy (e.g., bathroom, locker-room, asking questions about under garments, sexual experiences, etc.).

EXAMPLES OF SEXUAL HARASSMENT OR BOUNDARY VIOLATIONS: STUDENTS

- ▶ Starting rumors about a student's sexual behavior.
- ▶ Grabbing a classmate or "accidentally" touching them.
- ▶ Bullying (in person or on social media) based on sex.
- ▶ Fake social media accounts about a person; exchanging pictures.
- ▶ Sexual jokes; engaging in sexual innuendo.
- ▶ Relationship harassment - stalking; physical or emotional abuse.

DEFINING SEXUAL DISCRIMINATION IN EDUCATION

- ▶ “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.”

EXAMPLES OF SEXUAL DISCRIMINATION IN EDUCATION

- ▶ Sex Stereotypes
- ▶ Athletics
- ▶ Sex-Based Discrimination
- ▶ Discipline
- ▶ Dress Codes
- ▶ Stalking
- ▶ Social Media

WHAT ARE MY OBLIGATIONS UNDER TITLE IX?

- ▶ REPORT WHEN YOU HAVE KNOWLEDGE!
- ▶ The new regulations require a school district to respond to potential sexual harassment when the district has ACTUAL KNOWLEDGE of the sexual harassment or allegations of sexual harassment.
- ▶ A district has ACTUAL KNOWLEDGE when there has been NOTICE to ANY EMPLOYEE of an elementary or secondary school.
- ▶ Report to the Title IX Coordinators.
- ▶ MRESC Coordinators:
 - ▶ Shawn McElroy - smcelroy@mresc.org (937)498-1354 Ext. 5003
 - ▶ Sybil Truster - struster@mresc.org (937)498-1354 Ext. 7003

DUTY TO REPORT SUSPECTED ABUSE OR NEGLECT

- ▶ In addition to the obligation to report discrimination or harassment, school
- ▶ employees also have a duty to report suspected abuse or neglect.
- ▶ School employees are **MANDATORY REPORTERS**.
- ▶ Failure to report can impact:
 - ▶ Your license
 - ▶ Your livelihood
 - ▶ Your finances
 - ▶ Your freedom

WHEN IS THERE A MANDATORY DUTY TO REPORT?

- ▶ When you are acting in an official or professional capacity
- ▶ When you know, or have reasonable cause to suspect that a child,
 - ▶ under the age of 18,
 - ▶ or a person under 21 years of age with a developmental disability or physical impairment,
 - ▶ has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of nature that reasonably indicates the abuse or neglect of a child
- ▶ You **MUST** report **IMMEDIATELY!**
- ▶ Report must be made to the public children services agency or a municipal or county peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred.

WHAT SHOULD BE REPORTED?

- ▶ Factual information about the situation.
- ▶ If you are not sure, say so.
- ▶ Check Board Policy on documenting the report.
- ▶ Keep your own records about who you spoke to, when and what you shared.
- ▶ If you are reporting a school employee, also report to an administrator.

ARE REPORTS CONFIDENTIAL?

- ▶ YES!
- ▶ The public children's services agency must not provide any information to the accused person that identifies the person who made the report, statements of witnesses, or police or other investigative reports.

WHAT ARE THE CONSEQUENCES FOR FAILING TO REPORT?

- ▶ **Criminal:** Failure of a school employee to make the report is a fourth-degree misdemeanor punishable by up to 30-days in jail and/or a \$150 fine. Penalty is raised to a first-degree misdemeanor if the child is under the offender's direct care, or a subordinate's care, when the child suffers the abuse or neglect.
- ▶ **Compensatory and exemplary damages:** A person who fails to report is liable to the child who would have been the subject of the report that was not made.
- ▶ **Employment:** Courts have recognized the failure to report suspected child abuse when required is good and just cause for termination from employment.
- ▶ **Licensure:** Failing to report known or suspected child abuse may be conduct unbecoming the education profession under the Licensure Code of Professional Conduct for Educators.

Education in a COVID-19 World

- ▶ What do the statistics say?
 - ▶ Only 380 out of every 100,000 children contract the virus.
 - ▶ Only 1 out of every 1,000,000,000 children die from the virus.
 - ▶ Children rarely transmit the virus.
- ▶ Why is it important that we reopen schools?
 - ▶ Schools play a critical role in the wellbeing of communities.
 - ▶ Schools provide critical instruction and academic support.
 - ▶ Schools play a critical role in supporting the whole child, not just academic achievement.
 - ▶ Social and Emotional Health
 - ▶ Mental Health
 - ▶ Continuity of Special Services
 - ▶ Child Protection and Safety
- ▶ COVID-19 Protocols
 - ▶ County Plans
 - ▶ District Plans
 - ▶ Face to Face / Hybrid / Remote Learning

Have a wonderful school year!

