

Title IX



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Presented to: New Hope-Solebury School District – Professional
and Support Staff

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When I was young.....

No girls allowed to participate in Little League Baseball

Fewer sports available for women

Athletic Scholarships available to men only

Elite Colleges and Universities set quota for admission of women
or required higher test scores or better grades

There was less access to scholarship money

The curfew and behavior rules were different for women and men at colleges



When I was young...

- Career counseling different
- Girls aren't.....
- Stereotypes about Women
 - Women should not be doctors or lawyers or scientists or mathematicians
 - Women can't hold prestigious jobs because will get pregnant and leave
 - Girls don't like math or science
 - Only women/girls required to take home economics – Boys took “Shop”
 - Gender identity issues were taboo



HISTORY OF TITLE IX

- Passed by Congress in June 1972
 - Bars sex discrimination in educational programs and activities receiving federal financial aid including public school districts and institutions of higher education and others.
 - Extended the ban on sex discrimination to the educational system; elementary and secondary schools and colleges and universities.
 - After passage, commonly associated with equality between athletic opportunities for men and women



HISTORY OF TITLE IX – OVER THE YEARS

- Expanded the interpretation to include the prohibition on sexual harassment
- Expanded to include a prohibition on sexual harassment because of actual or perceived gender orientation or identity



Where are we now?

- Increase in number and percentage of women with college degrees
- Funding for sports teams is almost equal between men and women
- Facilities for men and women must be substantially equal
- Both men and women may take any course of study regardless of gender stereotypes about traditional “male” or “female” coursework or professions
- Title IX is a major tool to prevent and address gender discrimination that takes the form of sexual harassment



Title IX

- School Districts may not deny educational opportunities based on a person's sex/gender
- Prohibits Sex-Based Harassment by students, teachers, staff members and third party contractors
- Prohibits sex-based harassment based on biological sex and harassment based on a failure to conform to gender stereotypes
- School Districts must address harassment and prevent its recurrence



What makes Title IX Different?

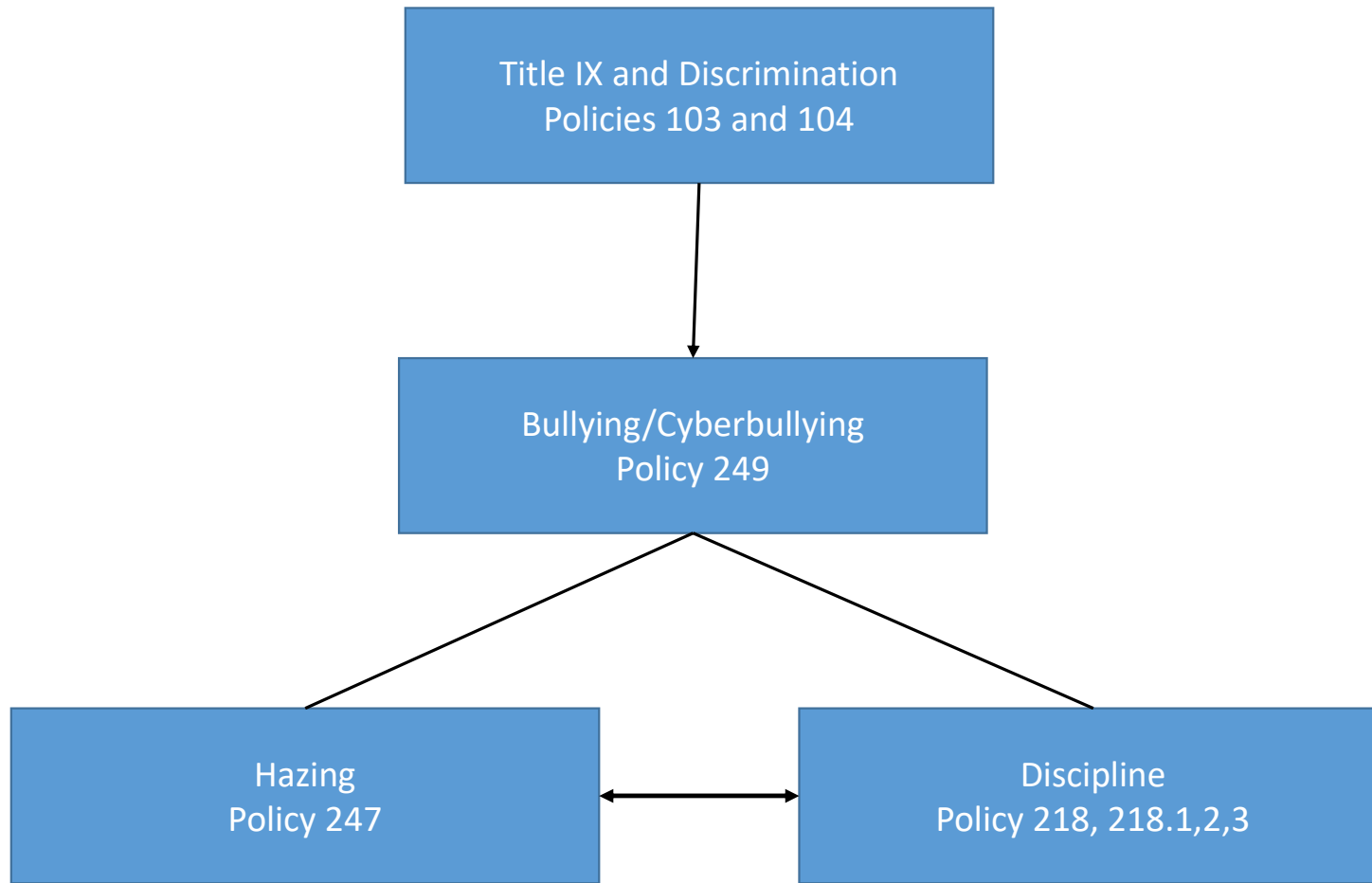
- Both a Complainant and the Accused are treated equally during the investigation
- Supports must be put in place for both students if warranted
- Detailed procedures must be followed during investigation and thereafter
- Remedies must be designed to prevent future harassment as well as to discipline or address the allegations of the case
- There cannot be retaliation against either party
- There is an informal resolution process offered but not required



Who me?

- **Yes, you!**
- See something, say something!
- Hear something from anyone, say something!





Sexual Harassment is Prohibited under several School District policies



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Definition of Sexual Harassment - Conduct on the Basis of Sex

- Quid Pro Quo – any school employee conditions educational benefit of any kind on participation in unwelcome sexual conduct
- Unwelcome conduct that a reasonable person would find is so severe, pervasive and/or objectively offensive that it effectively denies or adversely impacts equal access to school programs
- Sexual assault, dating violence, domestic violence or stalking



Unwelcome, offensive conduct

- Graphic, written, electronic, verbal or non-verbal acts, including offensive jokes, slurs, epithets, and name-calling, ridicule or mockery, insults or put-downs, offensive objects or pictures
- Physical assaults or threats, intimidation or other offensive conduct



Where Did The Conduct Occur?

- Schools must investigate and respond when sexual harassment occurs in any school related activity including any location, event or circumstance over which the school exercised substantial control over both the respondent and the context in which the harassment occurs.



Where? School has substantial control over activity

- During the school day
- On the bus
- In the hallways
- At sporting event or any other school sponsored activity
- At extracurricular activity of any kind
- At after-school activity
- On school trips
- Participating in on-line learning
- School dances, etc.
- On school property



And that's why – Yes, you!

- Under Title IX and school district policies – you have an obligation to report:
 - Actions you see that might constitute sexual harassment
 - What students or others tell you about the conduct of others
 - Any form of complaint made to you about the conduct of anyone



Report to Principal or other administrator

- The conduct might be reported to you by a student or staff member or a parent
- You must report the conduct



Credibility

- It is not your responsibility to investigate or to determine whether someone is telling the truth or whether the conduct actually is sexual harassment
- Your responsibility is to report to principal or Title IX Coordinator



Deliberate Indifference

- Failed to report
- Failed to investigate
- Failed to implement measures designed to prevent future recurrence, protect complainant
- Failed to implement measures designed to allow complainant to participate in programs



Other District Policies

Bullying/Cyberbullying – Policy 249

Harassment/Discrimination – Policy 103

Policy 247 - Hazing

Bullying/Cyberbullying

- Intentional
- Verbal, electronic, written or physical conduct
 - That causes:
- Substantial interference with education – or
- Creates intimidating or threatening school environment – or –
- Substantial disruption of orderly operation of school



- Reporting to an administrator or the Title IX Coordinator is required
- Title IX is implicated if gender based harassment or bullying
- Investigation must be completed



Unlawful Harassment Involving Students (Policy 103)

- Conduct relating to a protected class that is:
 - Sufficiently severe, persistent **or** pervasive that it affects the ability to participate in or benefit from an education program or
 - Has the purpose or effect of interfering with academic performance, or
 - Adversely affects learning opportunities
 - Includes sexual harassment and sexual violence as well as harassment because of a protected characteristic



Reporting to Administrator is Required

- All reports of harassment must be investigated



REPORT

- Do not ignore conduct or social media
- If you see something, report!
- If you hear something, report!
- If you are told something, report!



Doe v. North Penn School Dist.

Case 2:20-cv-05142 (10/22)

- Teacher saw sexual contact between sixth grade students, Jane and MP– assumed it was consensual and reprimanded both – did not report to building principal or Title IX coordinator
- No investigation
- Second student reported sexual assault by MP months later
- After second incident – no report to Title IX Coordinator, no safety plan developed, no supports but first teacher was reprimanded and suspended and put on PIP



Doe v. North Penn

- Principal was required to report to the Title IX Coordinator
- Investigation by principal found that student had touched many girls inappropriately – he admitted
- Jane's parent requested transfer to another middle school
- Investigation by principal found that male student had touched many girls inappropriately – he admitted – was suspended
- The Investigation was not conducted in accordance with Title IX procedures



Doe v. North Penn School District

- Upon return to HS and vocational school, MP continued assaults on Jane
- Other than scheduling the students for different classes, there was no effort made to monitor either MP or Jane to ensure that there was no contact. In fact, they had a class together.
- Numerous other girls complained about inappropriate conduct of same respondent
- Teacher who first witnessed the sexual contact was suspended for 2 days and put on a PIP
- But...no investigation under Title IX occurred



Doe v. North Penn School District

- Jane continued to report sexual assaults by MP – reported to her vocational technical school counselor
- All principal did was ask her to write a report – didn't interview MP or investigate the case
- No report made to Title IX Coordinator
- Staff were not trained in their responsibilities
 - Must not only review the policies but know what to do if there are any complaints of sexual harassment
 - Staff must understand that Title IX as well as other policies require reporting and investigation



Doe v. North Penn SD

- **WAS THIS DELIBERATE INDIFFERENCE?**
- Case is still proceeding
- Significant monetary damages likely



- You can be held personally liable if you do not report inappropriate conduct
- When in doubt....REPORT!
- Read the School District policies on website

