



# TITLE IX COMPLIANCE TRAINING FOR THE COMMUNITY

2024-25 ACADEMIC YEAR

# Title IX Coordinator

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# Title IX Training: CPA Community

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# About 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.”

- Federal law passed in 1972 as a part of Educational Amendments to the 1964 Civil Rights Act
- Protects students, employees, applicants, and participants in the schools education programs or activities
- Applies to academic and non-academic activities, such as sports and extra-curricular programs
- Ensures all students have equal access to education, free from:
  - Sex-based harassment including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, or gender identity
  - Sexual harassment, sexual assault and sexual violence.
  - Retaliation for reporting Title IX issues

# Expanded Definition of Sex Discrimination

2024 Title IX Final Rule

## **Sex discrimination** now includes:

- sex stereotypes,
- sex characteristics,
- pregnancy or related conditions,
- sexual orientation, and
- gender identity
- Sex discrimination now includes:

**Sex-based harassment is prohibited.** It is a form of sex discrimination and means **sexual harassment** and other harassment on the basis of sex, including:

- Quid pro quo harassment (this for that)
- Sexual assault, dating/domestic violence, stalking
- **Hostile environment harassment**

# Sex-Based Harassment

2024 Title IX Final Rule

**Sex-based harassment is prohibited.** It is a form of sex discrimination and means **sexual harassment** and other harassment on the basis of sex, including:

- ▶ Quid pro quo harassment (this for that)
- ▶ Sexual assault, dating/domestic violence, stalking
- ▶ **Hostile environment harassment**

# Hostile Environment & Sexual Harassment

2024 Title IX Final Rule

- ▶ **Hostile environment harassment** is defined as unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity.
- ▶ **Sexual harassment** may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different genders. Depending on the circumstances, these behaviors may include:
  - unwanted sexual advances or requests for sexual favors;
  - sexual jokes and innuendo;
  - verbal abuse of a sexual nature;
  - commentary about an individual's body, sexuality, or gender;
  - leering, whistling or touching;
  - insulting or obscene comments or gestures;
  - displays of sexually suggestive objects or pictures; and
  - other physical, verbal or visual conduct of a sexual nature.

# Recognizing Sex Discrimination: *It's Not Always Obvious*

**Unequal treatment** based on sex, sexual orientation, gender identity, or pregnancy. Ex.:

Intentionally misgendering a transgender student in front of the class.

Punishing a student more harshly for the same offense because of their sex.

Excluding a pregnant student from activities without a valid medical reason.

**Unwelcome conduct of a sexual nature** that creates a hostile or offensive environment. Can be verbal, physical, or visual:

Sexual jokes, comments, or propositions.

Unwanted touching, groping, or sexual assault.

Displaying sexually explicit images or messages.

**Making assumptions**

or imposing expectations based on traditional gender roles. Ex.:

Telling a boy he can't play with dolls.

Discouraging a girl from pursuing math or science.

Assuming a student's interests based on their perceived gender.

**Hostile environment harassment.** Ex.:

**Severity:** The conduct doesn't have to be extreme to be considered discrimination. It can be a pattern of smaller incidents that create a hostile environment.

**Pervasiveness:** How often the conduct occurs matters. Even one severe incident can be discrimination.

**Impact:** Consider the impact on the student's education and well-being. Does the conduct make them feel unsafe, uncomfortable, or unable to learn?



# Mandatory Reporting

# When to Notify the Title IX Coordinator

- **Reporting is critical** to ensure the school learns of and addresses possible sex discrimination.
- As Title IX Coordinator, **I MUST be informed of any conduct that reasonably may constitute sex discrimination** that you observe, or that is brought to your attention. This is called reporting.
- A report can be **oral or written**.
- **Even minor infractions** must be reported.
- **Not all reports will need to be fully investigated** but we have obligations under the regulations that must be followed for each and every incident that is brought to a school's attention.
- This **applies to all [non-confidential] employees**, not only teachers and administrators.
- Please inform me of any **barriers** you observe that could prevent you from reporting.

# Confidential Employees

- Certain individuals, like counselors or health center staff, may be designated as **confidential employees**. They are not required to report information disclosed to them in their confidential role.
- Instead, confidential employees must provide information to anyone who informs them of conduct that reasonably may constitute sex discrimination about:
  1. Their status as confidential for purposes of Title IX;
  2. How to contact the Title IX Coordinator;
  3. How to make a complaint; and
  4. How the Title IX Coordinator can help.

# Colorado's Mandatory Reporting Requirements

Additional mandatory reporting requirements

- C.R.S. section 19-3-304 sets forth statutory requirements for reporting child abuse or neglect.
- Applies to public school officials and employees.
- To whom do you report?
  - Local law enforcement
  - County Department of Human Services
  - Colorado Child Abuse & Neglect Hotline (1-844-CO-4-KIDS)

# Non-discrimination Policy & Grievance Procedures

# Non-Discrimination Policy

CPA **does not discriminate on the basis of sex** and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in admissions and employment.

- This policy **covers all students, employees, and participants** in CPA's programs or activities.
- This policy will also apply to concerns or complaints regarding **retaliation** for having engaged in activity protected by civil rights laws that prohibit discrimination and harassment. Protected activities include:

Protected  
Activities

**Filing a complaint**  
alleging  
discrimination,  
harassment, or  
retaliation

**Participating in an  
investigation** of  
discrimination,  
harassment or  
retaliation

**Opposing conditions  
that result in  
discrimination,  
harassment, or  
retaliation.**



# Grievance Procedures

- ▶ CPA has adopted grievance procedures that provide for the **prompt and equitable resolution of complaints** made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.
- ▶ Options available to the complainant:
  - reporting to **law enforcement**;
  - seeking support and resources from [School] ("**Supportive Measures**");
  - requesting for informal resolution through this procedure ("**Informal Resolution**");
  - filing a complaint for formal resolution through this procedure ("**Formal Resolution**")



# Notice of Non-Discrimination Policy & Grievance Procedures

- Available on CPA's Website at:  
<https://www.crownpointeacademy.org/non-discrimination-statement/>
- In the policy, CPA prohibits sex-based harassment.
- CPA also prohibits discrimination and harassment based on:
  - Gender
  - Sexual orientation & Gender identity
  - Sex stereotypes and sex characteristics
  - Pregnancy or related conditions
  - Race
  - National origin
  - Religion
  - Age
  - Disability/ Need for special education services





# What Happens When a Report is Made?

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[School] will document the report and inform complainant of their rights and options

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[School] will keep the situation as confidential as we can, but sometimes we need to investigate and/or talk to witnesses.

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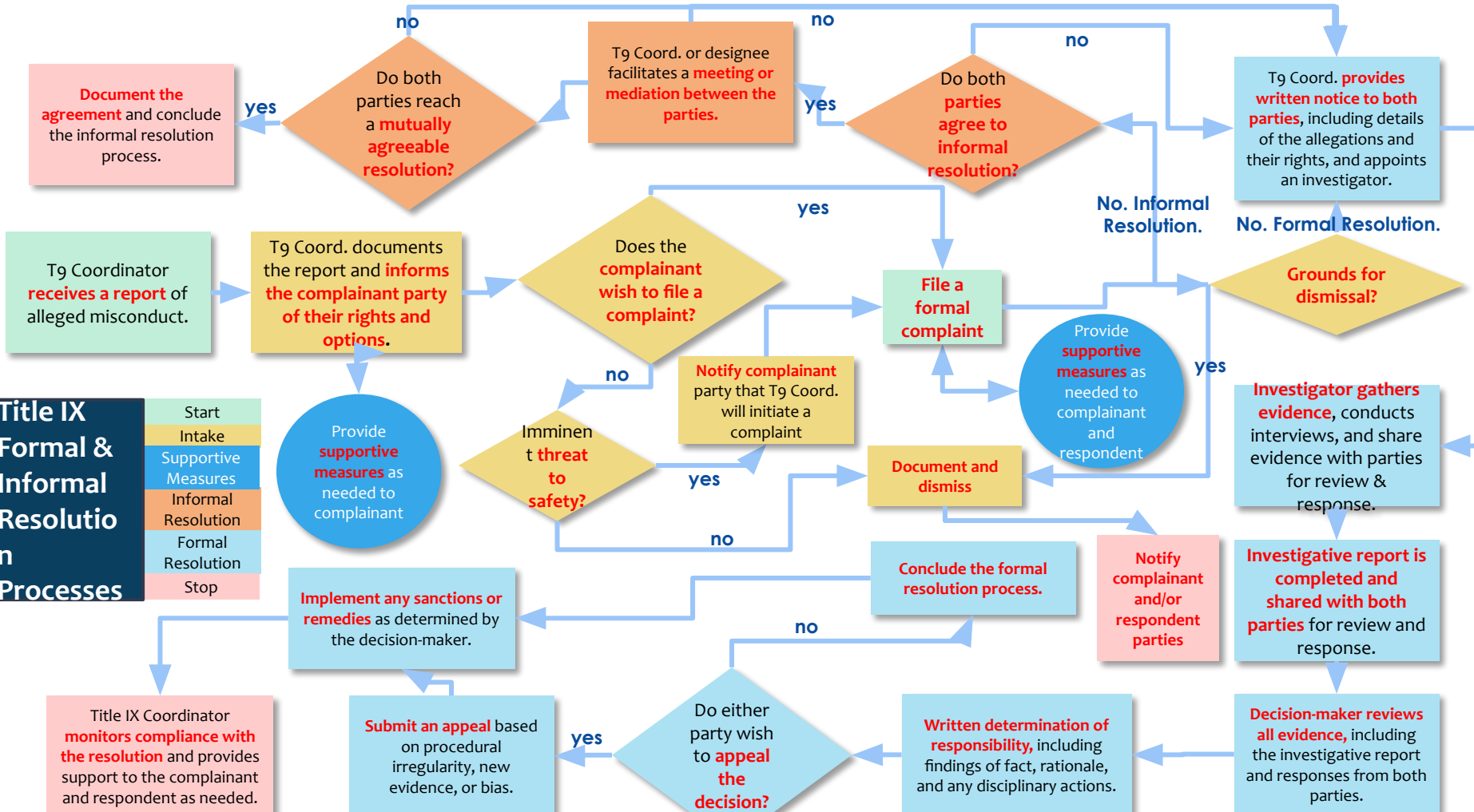
[School] will take ACTION to stop the harassment.

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[School] will ensure that there is no retaliation against ANYONE who reports conduct that could reasonably constitute sex discrimination, or who participates in our investigation.

# Title IX Formal & Informal Resolution Processes

Start
Intake
Supportive Measures
Informal Resolution
Formal Resolution
Stop



Retaliation is Prohibited

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# The policy prohibits retaliation against someone engaging in activities protected by state & federal law:

- Anyone who makes a complaint
- Anyone who participates in an investigation



# Expectations for Interactions with Students and Families

- Model behavior that reflects professionalism.
- Avoid joking or conversations of a personal nature that could be misconstrued.
- If you have a concern, reach out to your supervisor, a principal, or me for assistance.
- We are aware of how written communications can be misconstrued – be as clear as possible in written communications.
- Consider having a conversation and then following up in writing.
- DO NOT TRY TO MANAGE A COMPLAINT ON YOUR OWN.

# Prohibition Against Retaliation

Once a student, parent, teacher, staff member, coach, or other individual complains formally or informally to a school about sex-based harassment or participates in an investigation or proceeding, the school is prohibited from **retaliating** (including intimidating, threatening, coercing, or in any way discriminating against the individual) because of the individual's complaint or participation.

# Examples of Potential Retaliation

Students calling one another “snitches” or “tattle tales”

Excluding someone from an activity or event because they filed a report

Refusing to work or engage with someone after they filed a report

Taking adverse action against someone **because of** their complaint

We need you to report  
retaliation too!

We want everyone to feel safe and comfortable at school.

It is your right not to be discriminated against, harassed, or retaliated against at school by anyone.

It is your responsibility not to discriminate, harass or retaliate against anyone.

We need everyone's help to enforce our policy.



# Helpful Links

## **The Title IX Law:**

<https://www.justice.gov/crt/title-ix-education-amendments-1972>

## **US Department of Education Site:**

<https://www2.ed.gov/policy/rights/guid/ocr/sexoverview.html>

## **Colorado Department of Education Resources:**

[https://www.cde.state.co.us/cde\\_english/titleix](https://www.cde.state.co.us/cde_english/titleix)

# Questions? Comments?

- Don't hesitate to email me or find me on campus.
- Thank you for your attention to this important issue.
- Have a great year!



# Extra Information

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# Impact of Title IX

Area	Before Title IX (1972 & Before)	After Title IX (1972 Onward)
High School Sports	7% participation rate*	41.5% participation rate by 2021 ( <b>Over 800% increase</b> )*
Course Offerings	Limited opportunities in advanced subjects and leadership	Increased <b>female enrollment in traditionally male-dominated majors.</b>
College Enrollment	Lower percentage of women attending college compared to men	Enrollment rates for women in college are <b>closer to or exceeding those of men.</b>
College Graduation	Lower graduation rates for women compared to men	<b>Higher college graduation rates</b> for women.
College Sports	2% participation rate*	43% participation rate by 2021 ( <b>Over 2,000% increase</b> )*
Leadership Roles	Fewer women in student government and other leadership positions	<b>More women holding leadership positions</b> in student organizations and government.

# Key Terms

- **Recipient:** The School – the entity that “receives” federal funding
- **Complaint:** An oral or written request to the recipient that objectively can be understood as a request for the recipient to investigate and make a determination about alleged discrimination under Title IX.
- **Complainant or Impacted Party** (not “victim”): A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX.; **OR**  

A person other than a student or employee who was participating or attempting to participate in the recipient's education program or activity at the time of the alleged sex discrimination.
- **Respondent or Responding Party** (not “accused” or “perpetrator”): A person who is alleged to have violated the recipient's prohibition on sex discrimination.
- **Witnesses or Involved Parties:** Individuals with information about the issue/event

## Summary of Major Provisions of Title IX Final Rule in effect August 1, 2024

Brief Overview of Key Provisions of the Department of Education's 2024 Title IX Final Rule\*

Provision	2024 Final Rule
<b>Definitions</b> (§ 106.2)	Adds and revises definitions, including complainant, complainant, respondent, and party, confidential employee, disciplinary sanctions, pregnancy or related conditions, relevant, remedies, resolution and peer resolution, sex-based harassment, and supportive measures.
<b>Effect of other requirements</b> (§ 106.3)	Clarifies that a recipient must comply with Title IX and the final regulations in the event of a conflict with State law or FERPA, and that Title IX and the final regulations do not override any legal right of a parent, guardian, or other authorized legal representative to act on behalf of a complainant, respondent, or other person.
<b>Administrative requirements</b> (§ 106.4)	Clarifies requirements for documentation, Title IX Coordinator, adopting and updating nondiscrimination policies and grievance procedures, and providing a notice of nondiscrimination. (§ 106.4(a)-(c)) Clarifies which individuals a recipient must train on Title IX and provides requirements for such training, which vary based on an individual's role. (§ 106.4(d)). Requires a recipient to protect the rights of parties who are students with disabilities. (§ 106.4(e)). Clarifies which records a recipient must maintain for at least seven years. (§ 106.4(f)).
<b>Scope of sex discrimination</b> (§ 106.2, § 106.5)	Clarifies that sex discrimination includes discrimination based on sex, stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. (§ 106.10). Also clarifies that sex-based harassment includes harassment on these bases and further clarifies when sex-based harassment creates a hostile environment. (§ 106.2).
<b>Application of Title IX</b> (§ 106.11)	Clarifies that Title IX applies to all sex discrimination occurring under a recipient's education program or activity in the United States and provides additional detail about what conduct is covered. Also clarifies that a recipient has an obligation to address a sex-based hostile environment under its education program or activity even when some conduct alleged to be contributing to the hostile environment occurred outside the recipient's education program or activity or outside the United States.
<b>Sex harassment and different treatment</b> (§ 106.11(a)(2))	Clarifies that a recipient must not require or treat any person differently based on sex in a manner that subjects them to more than de minimis harm, except in the limited specified circumstances permitted by Title IX. Recognizes that preventing a person from participating in a recipient's education program or activity consistent with their gender identity subjects that person to more than de minimis harm.
<b>Parent, family, or marital status; pregnancy or related conditions</b> (§ 106.21(a), § 106.40, § 106.57)	Prohibits a recipient from treating students, employees, or applicants differently based on sex in connection with parental, family, or marital status. (§ 106.21(a), 106.40, 106.57). Prohibits discrimination against students, employees, or applicants, based on pregnancy or related conditions, and requires recipients to take action to prevent sex discrimination and ensure equal access to the recipient's education program or activity, such as by providing reasonable accommodations for students, reasonable break time for lactation for employees, and lactation space for students and employees. (§ 106.40(b)(3) and 106.57(c)). Prohibits schools from requiring documentation from students to obtain reasonable accommodations or other actions unless such documentation is necessary and reasonable.

\*The final regulations make amendments to 34 C.F.R. 106.1 et seq. For a more complete explanation of the final regulations, please see the Department's 2024 Notice of Final Rule on Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, which is available [here](#).

# Title IX Staffing

- **Title IX Coordinator** – Develop and implement the Title IX program
- **Investigator(s)** – The person who gathers information and interviews people to find out what happened.
- **Decision-Maker(s)** – The person who decides whether someone broke the rules, based on the information gathered.

The Title IX Coordinator and/or the Investigator CAN be a decision-maker (Single Investigator Model)

- **Appeals** – someone well placed in the organization to review the original decision to see if it was fair and correct.
- **Informal Resolution Facilitator(s)**: The person who helps both sides try to work things out before a formal investigation. Can be the Title IX Coordinator or other staff

*All Title IX staff must be free from bias/conflict of interest.*

