



FRANCISTUTTLE
TECHNOLOGY CENTER

P R E S E N T A T I O N

T R A I N I N G F O R H I R I N G M A N A G E R S

T I T L E I X

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JANUARY 18, 2024 (PART 1)

FEBRUARY 1, 2024 (PART 2)

Objectives - Part I

- **Title IX Definition**
- **Responsibilities & Roles at Francis Tuttle**
- **What is our Duty?**
- **What makes it Title IX & Why is it Different?**
 - **Written Report**
 - **Jurisdiction**
 - **Control**
- **Sexual Harassment Definitions**
- **Consent Construct**

Prepared by

Francis Tuttle Technology Center has three Title IX Coordinators as of Fall of 2024



Mrs. Tracy Skinner

*Associate
Superintendent*



Dr. Jaared Scott

*Deputy
Superintendent*



Dr. Jason Brunk

*Executive Director
of Human
Resources*



Focus Activity

Read and answer the 6 prompts. You may visit with those at your table!

Definition

"No person in the United States shall, on basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program activity receiving federal financial assistance."



Responsibilities of Title IX Co-Coordinator

- **Recruit, supervise, and train Title IX team**
- **Respond to reports or complaints of sexual harassment and sex discrimination**
- **Ensure Federal law and FT policy are followed**
 - Track systemic issues or patterns
 - Assess compliance efforts and program effectiveness
 - Communication

Title IX Roles

1

Complainant

An individual who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX

2

Respondent

An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment under Title IX

3

Advisor

Selected by respondent or claimant to offer support through process. Can be anyone, parent, attorney, etc.

4

Advocate

May or may not be District employee, may be involved in providing supportive measures

5

Responsible Employee

ALL FT employees, have duty to report/notify!

Title IX Roles Continued

6

Title IX Co - Coordinators

FT's designated Title IX compliance authority - compliance, training, and school community.

7

Investigator(s)

Conduct reliable, prompt, fair and impartial investigations for sex based discrimination or misconduct.

8

Decision Maker (DM) Also Appeal DM

Has the authority to determine whether or not school/district policy was violated and determines remedies and/or sanctions
- Cannot be Title IX Coordinator or Investigator

Responsibility of Francis Tuttle

STOP

Stop
discriminatory
conduct
based on sex.

PREVENT

Prevent the
recurrence of
the conduct both
immediately and
in the future.

REMEDY

Address the impact
and effects of the
discrimination for
both individuals
and the FT school
community.



What Makes Title IX Different?

- **Actual written notice is required**
 - **EARLY** in the process, if a Title IX violation is suspected, we move to the formal process, starting with NOIA (Notice of Investigation and Allegations)

From the time a potential Title IX violation is received to the time parties have been given NOIA, questions have to be limited.

- **Witness statements will be made public to both parties**



Rights of Parties

(Complainant/Respondent)



- **Present witnesses**
 - **Present inculpatory and exculpatory evidence**
 - **Discuss the allegations under investigation without restriction**
 - **Gather and present relevant evidence without restriction**
 - **Be accompanied by Advisor of their choice**
 - **Written notice of the date, time, location, participants, and purpose of investigation interviews or other meetings, with sufficient time to prepare**
 - **Inspect and review directly related evidence and investigation report, which would even apply to an employee respondent**

JURISDICTION

Did the situation take place:

1

In an education program or activity in the US?

2

Did FT have control over the context where the incident occurred?

3

In the context of the situation, did FT have control over the respondent ("Alleged perpetrator")?

Sexual Harassment Definitions

1 **Quid Pro Quo**

2

Hostile Environment

SPOO (Severe, Pervasive
and Objectively Offensive)

3

**Sexual
Assault**

4

Dating Violence

6

Stalking

5

Domestic Violence

1) Quid Pro Quo

Employee of FT conditions the provision of an aide, benefit, or service in exchange for unwelcome sexual conduct.

Under current regulations, only applies employee to student, proposed regs may change!

2) Hostile Environment

Unwelcomed sexual conduct considered by a reasonable person to be so severe, pervasive and objectively offensive (SPOO) that it denies a person equal access to an education program or activity.

3) Sexual Assault

- **Rape** - Penetration of the vagina/anus/oral without consent
- **Fondling** - Touching of private body parts (buttocks, groin, breasts) for the purpose of sexual gratification without consent
- **Incest** - Sexual Intercourse between persons who are related within the degrees prohibited by Oklahoma law
- **Statutory Rape** - Sexual intercourse with a person under statutory age of consent (Oklahoma is 16 - Romeo & Juliet provision insulates 16-18 year olds if partner is 14 or 15)

4 & 5) VIOLENCE

Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim

Domestic Violence

Current or former spouse or intimate partner; cohabitating as an intimate partner; shares a child; or an act against a youth or adult that violates a family or domestic violence law

6) STALKING

Conduct, based on sex, directed at a specific person that would cause a reasonable person to:

1

Fear for their safety
or the safety of
others

OR

2

Suffer substantial
emotional distress

Consent Construct



3 Questions

- 01** Was force used by the respondent to obtain sexual intercourse or intimate access?
- 02** Was the complainant incapacitated?
 - If so, did the respondent know, or
 - Should the respondent have known the complainant was incapacitated
- 03** What clear words or actions by the complainant gave the respondent permission for each specific sexual or intimate act that took place as it took place?

Takeaways

What are your takeaways from today's session?

Next Steps:

Complete feedback on session

- 1) Share something you learned new today.
- 2) What questions do you have after Session I?

Session Two

In February, we will cover process overview





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**THANK
YOU**





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PRESENTATION

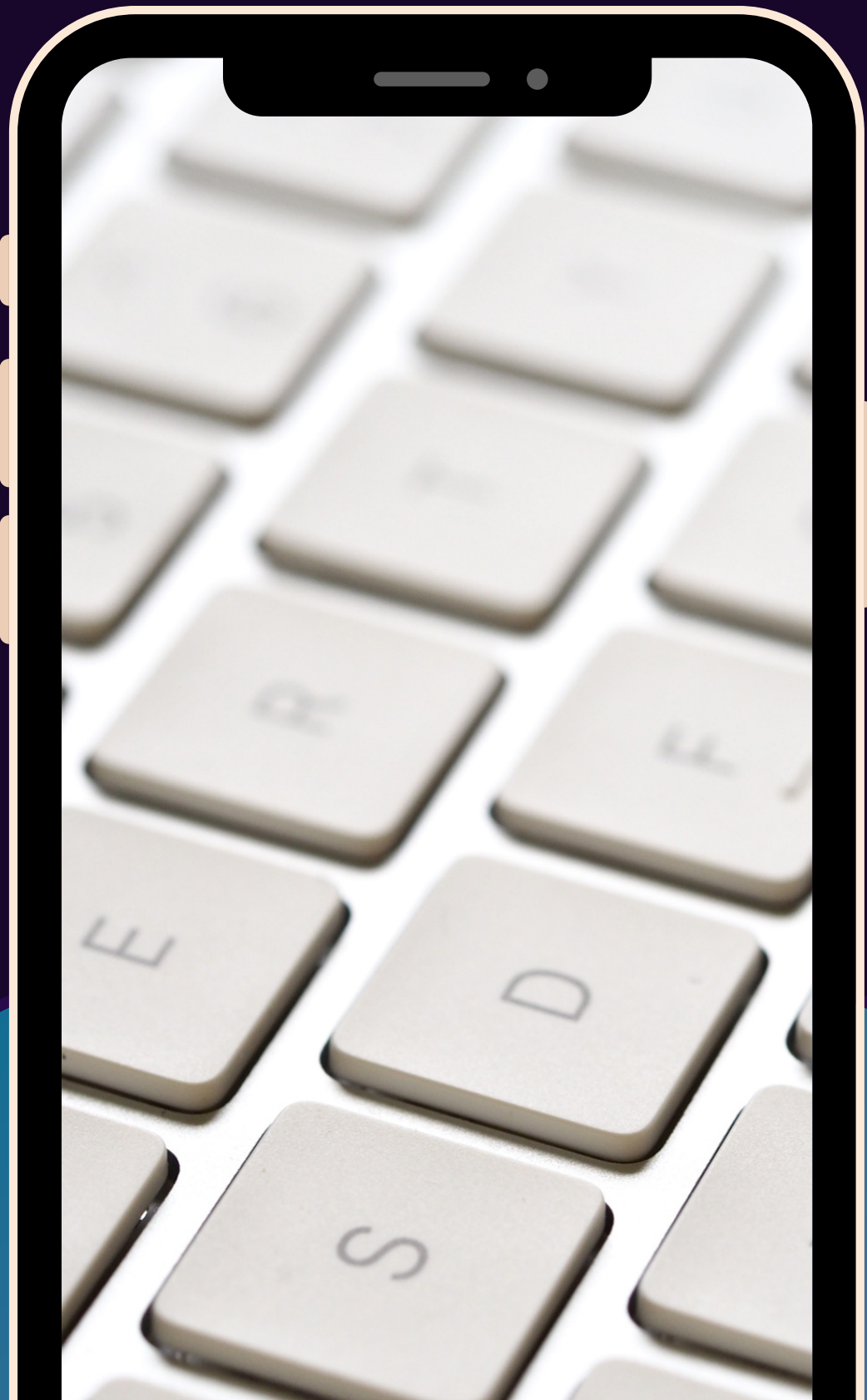
TRAINING FOR HIRING MANAGERS

TITLE IX SESSION 2

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JANUARY 18, 2024 (PART 1)

FEBRUARY 1, 2024 (PART 2)



Takeaways from Session 1 in January

- Review Session 1 takeaways
 - Session 2 will overview the Title IX Grievance Process

Questions from Session 1

Is there a “cheat sheet” to guide us?



Who are the decision makers?

If an employee files a complaint, and it is found to be false, are there disciplinary actions?



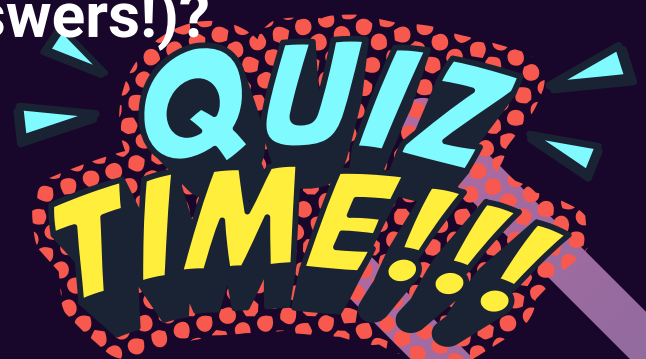
What are the difference between how we handle it, when having a student violation vs employee violation?

Does Title IX cover any harassmt other than sexual harassmt?



Can investigators serve as cooridnators or does it have to be different people? Who do they appeal to? Who serves on appeal hearing?

How did I do in my pre- test quiz? (can't wait to hear the answers!)?



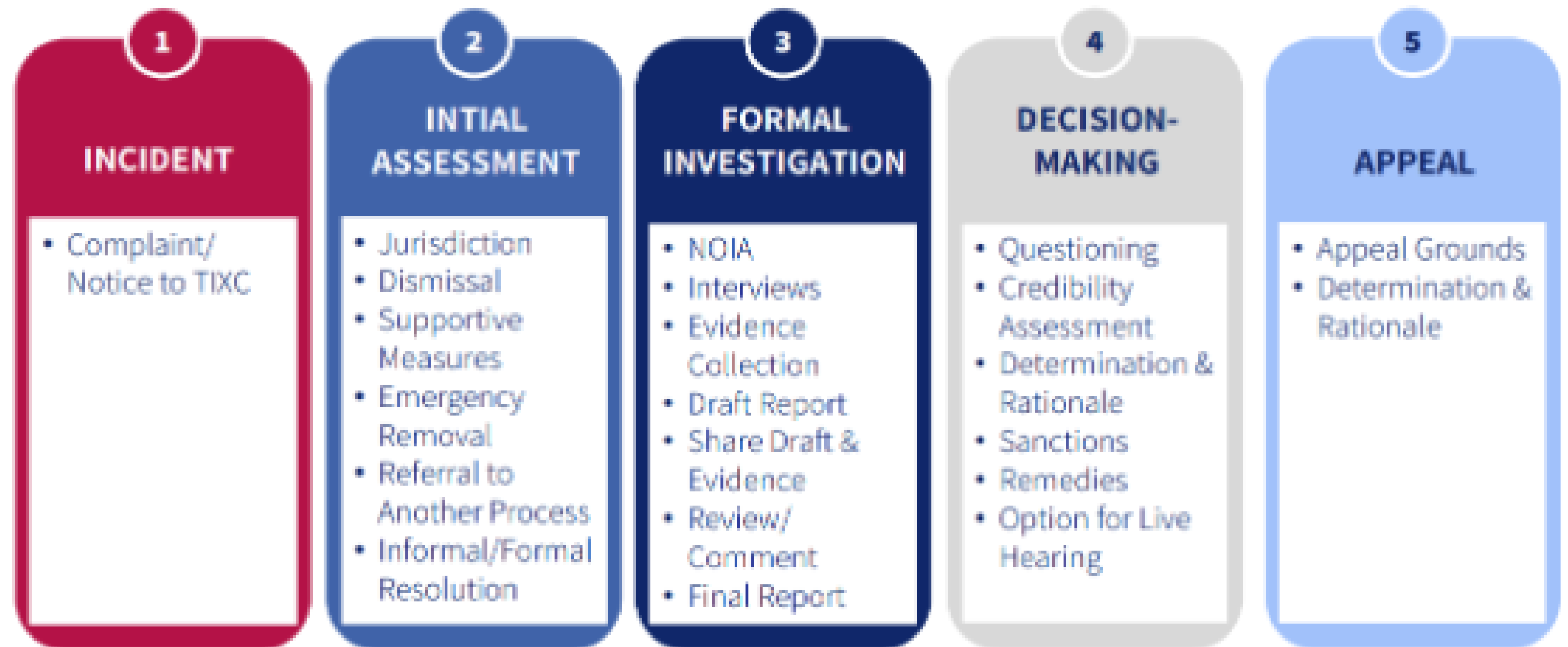
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Process Overview

Title IX Grievance Process Overview





CASE STUDY #1

THREE HIGH SCHOOL JUNIORS WENT UNDER A STAIRWELL IN THE SCHOOL DURING LUNCH PERIOD. STEVEN AND ANJALI STARTED TO MAKE OUT; STEVEN ALSO PUT HIS HANDS UP ANJALI'S SHIRT, UNFASTENED HER BRA, AND TOUCHED HER BREASTS. ALTHOUGH SHE CONSENTED TO MAKING OUT, SHE DID NOT EXPECT STEVEN TO GO UP HER SHIRT.

UNBEKNOWNST TO ANJALI, THE THIRD STUDENT, CAL, WAS FILMING ANJALI AND STEVEN MAKING OUT. CAL'S VIDEO SHOWS EVERYTHING THAT HAPPENED, AND ANJALI'S EXPOSED BREAST WAS CLEARLY VISIBLE FOR A FEW SECONDS ON THE VIDEO. CAL SNAPCHATTED THE VIDEO TO ABOUT 30 MEMBERS OF THE JUNIOR CLASS; SEVERAL OF WHOM CIRCULATED IT TO OTHERS IN THE SCHOOL. THE NEXT DAY, ANJALI WAS SUBJECTED TO TAUNTING AND BEING CALLED "SLUT" BY MANY STUDENTS IN THE HALLWAY.

CASE STUDY

Is this a Title IX Violation?

- If so, why?
- What category?
- What do you do as a site administrator/hiring manager, if a student comes to you and tells you this story?



When is FT “On Notice”?



1

When a report of sexual harassment or sex discrimination is made to the Title IX Coordinator

OR

2

ANY employee of the district is made aware of the incident or concern

“Mandated Reporter”

Includes information employees witness, hear about, or received in writing or verbally

Initial Assessment

1

Does FT have jurisdiction under Title IX?

- Complainant is a "student", control of respondent (harasser), control of the context, in U.S.
- If proven true, would allegation be a Title IX Violation?

2

If NO Title IX Jurisdiction, dismiss under Title IX AND determine if allegation violates other policies

4

Is emergency removal necessary?

3

Are supportive measures needed?

Initial Assessment Continued

5

- Can consider informal resolution up to the time final determination is made
- Can be rerequested at any time during the process

6

- Once FT is on notice, the obligation to investigate is **ABSOLUTE**, regardless of whether a formal complaint is provided.
- An initial Assessment can be an investigation

7

Is a DHS or Law Enforcement needed?



Emergency Removal

A natural response can be to “send the respondent home”



Under Title IX, this would be an “emergency removal”



Emergency removals require an individualized safety and risk analysis of an immediate threat to Physical health or safety



Respondent can challenge



OUTREACH/INTAKE



01

Title IX Coordinator Facilitates

02

Communication with Parties and Complainant

- Discuss resources
- Discuss supportive measures (implement if applicable)
- Discuss right to an advisor
- Discuss requirements for a Title IX Formal complaint and review process
- Discuss informal resolution

What are Supportive Measures?

- Non disciplinary/non - punitive
 - Goal is to restore or preserve access to education Or work environment??
- ALMOST never remove the complainant out of their class or work?
- Supportive measures can be provided even if complaint is not formal
- Examples may include counseling, EAP, trespass orders, no contact orders, increased security, academic support, and more



Formal Investigation



Notice of Investigation

ALL parties receive a Notice of Investigation and Allegations (NOIA) at the SAME time

This step makes Title IX significantly different than how we handle any other discipline

Interviews & Evidence Collection

Investigator begins interviews and evidence collection



Gather evidence
Assess credibility and evidence,
Synthesize areas of dispute and agreement



Formal Investigation Continued



Draft Report Prepared

Investigator prepares a
draft report

Investigator shares report and
evidence with ALL parties, at the same
time (10 days to review)

Final Report Submitted

Investigator submits a
final report to the
Decision Maker (DM)
after period of input from
parties



Decision Making



Decision Maker (DM) prepares a written determination



- **Policy considered**
- **Procedural steps taken**
- **Rationale and result/decision on each specific allegation**
- **Sanctions, if any**
- **Remedies to the complainant, if any**
- **Appeals procedure and basis for appeal**

Decision Making Continued



Decision Maker (DM) considers the report/evidence



- **Facilitates/provides opportunity for parties to submit written questions to the other party or any witnesses**



Decision Maker (DM) determines whether a Title IX policy violation has occurred



- **Preponderance of Evidence (more likely than not, 50.1%)**

Appeal

Can only appeal for:

- Procedural irregularity - didn't follow policy
- New evidence that was not reasonably available at the time of the determination that could impact the outcome
- Bias or conflict of interest
- **In other words, an appeal is not granted if a party just doesn't agree with the outcome!**

WHO
DOES THE
APPEAL?



Title IX Roles Continued

6

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9

Appeals

Appeals are decided by the superintendent. There is very specific criteria regarding grounds for an appeal.

RETALIATION!

- Title IX prohibits retaliation against any person who has made a report or complaint or has participated or refused to participate in the Title IX process
- We must monitor for and constantly communicate that retaliation is strictly prohibited by any party
- If retaliation were to occur, discipline can apply





Focus Activity

Purple sheet review!

- 1) Answer Post Test
- 2) How did you do?

5 Questions Drawing Time!

NEXT STEPS

Update policies and procedures



Develop /update forms/reporting tools/communications



Training for all staff in Mandatory Reporting - Fall 2024



**Monitor impact of new regs expected in March 2024
(New regs likely to have expanded training requirements for staff)**



Organize summer training: May 29 & 30 -8:3a.m. to 3:30p.m





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THANK YOU

Title IX Co-Coordinators

Dr. Jaared Scott Deputy Superintendent
Tracy Skinner Associate Superintendent
Dr. Jason Brunk Exec Dir of HR

