



METRO  
NASHVILLE  
PUBLIC  
SCHOOLS

# Title IX Regulations

Charter Schools

2022-2023 School Leader

*Title IX Coordinator: Shauna Carter*

[scarter@strivecollegiate.org](mailto:scarter@strivecollegiate.org)

*(615) 645-6440*

- Overview: New Title IX Regulations
- Reporting
- Definitions
- Sexual Harassment Defined
- Complaints
- Investigations
- Decision making & Appeals
- Retaliation
- Charter School To-Do List

# AGENDA



# Overview: New Title IX Regulations



May 6<sup>th</sup> USDOE  
issued 2083 pages  
of new Title IX  
Regulations

```
graph LR; A[May 6th USDOE issued 2083 pages of new Title IX Regulations] --> B[Implementation date was August 14th]; B --> C[Each Charter School must adopt a Title IX & Sexual Harassment Policy];
```

Implementation date  
was August 14th

Each Charter  
School must  
adopt a Title  
IX & Sexual  
Harassment  
Policy



# Title IX

- Title IX encompasses many areas – discrimination on the basis of sex, athletics, gender expression, etc.
- These new regulations only address a small portion of Title IX as it relates to sexual harassment



# Reporting

All staff must report potential sexual harassment to your charter school Title IX Coordinator



# Who Reports?

- **Before**, notice was only triggered by school staff with the ability to institute disciplinary action - like principals.
- **Now**, any and all staff are responsible for reporting potential Title IX sexual harassment violations.



# Definitions

- **Complainant:** alleged to be the *victim* of conduct that could constitute sexual harassment.
- **Respondent:** reported to be the *perpetrator* of conduct that could constitute sexual harassment.



# Definitions: Sexual Harassment

**Conduct on the basis of sex that satisfies one or more of the following:**

1. A school district employee conditioning an aid, benefit, or service of an education program or activity on an individual's participation in unwelcome sexual conduct;
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 education program or activity; or
3. Sexual assault, dating violence, domestic violence, or stalking as defined in state and federal law.





# Definition of Sexual Harassment

---

Severe, pervasive, *and* objectively offensive is a new, higher standard for harassment.

---

Must have all three.

---

Other areas of harassment use the “or” standard.



# Severe, Pervasive, *and* Objectively Offensive

Conduct effectively denies access to education program or activity . . .

Need all three

- **Severe:** subjective analysis that looks at things like whether the act is humiliating or threatening and whether it prevents educational access
- **Pervasive:** means more than a single incident
- **Objectively offensive:** judged by what a reasonable person would find offensive or unwelcome



# Examples of Sexual Harassment

Sexually  
suggestive  
remarks

Verbal harassment  
or abuse

Sexually  
suggestive pictures

Sexually  
suggestive  
gesturing

Harassing or  
sexually suggestive  
or offensive  
messages

Subtle or direct  
propositions for  
sexual favors

Touching of a  
sexual nature



# Things to keep in mind ...



---

Any of the previous examples could constitute sexual harassment.

---

---

Not limited to the examples on the previous slide.

---

---

Conduct can be directed toward the same or opposite sex.

---

---

Conduct could be student on student, staff on staff, staff on student, or student on staff

---

# When to Report to Title IX Coordinator?

## Hypotheticals

Likely Do  
Not Report

- A single instance of inappropriate name calling
- A single instance of inappropriate touching or gesturing

Likely Report

- An incident involving sexual photos or videos, particularly involving students
- Multiple instances of inappropriate touching or gesturing



# No Discipline Without Investigation

**REMEMBER** - If you are considering using a sexual harassment discipline code then PAUSE and consult with your Title IX Coordinator

You cannot discipline or remove for sexual harassment without a formal investigation



# Grievance Process

## This process is all new ...

---

After report, the Title IX Coordinator must assess whether conduct potentially rises to the level warranting Title IX investigation

---

If a Title IX investigation is necessary, the Title IX Coordinator or designee (principal) will contact the student(s), offer supportive measures, and explain the process for filing a formal complaint

---

If student decides to file a formal complaint, or if Title IX Coordinator signs a formal complaint, an investigator will investigate.

---

The investigator cannot be the Title IX Coordinator.



# Grievance Process Cont.

- Emergency Removal – only if threat to safety
- Employees can be placed on admin leave or suspension without pay to investigate employee on student misconduct





# Investigations

- Investigation only occurs if a formal complaint is signed by complainant or by the Title IX Coordinator
- 48 hours to initiate the investigation after formal complaint
- All parties receive investigative report and all evidence to review (no confidentiality, FERPA doesn't apply) and have 10 days to respond
- Investigative report summarizing evidence sent to parties, guardians, and decisionmaker



# Determination of Responsibility

**Decisionmakers = Must be different person from Title IX Coordinator and Investigator**

Preponderance Standard (more likely than not)

Parties can submit written cross exam questions

Make decision 10 days after receiving answers

Written report on decision

Substantiated charges can result in disciplinary action including expulsion or termination



# Appeals

- **Appeals officer = Must be different person from Title IX Coordinator, Investigator, and Decisionmaker**
  - Either party may appeal w/in 10 days on one of the following bases:
    1. Procedural irregularity
    2. New evidence
    3. Conflict of interest



• Written decision within 10 days of the appeal

# Retaliation

Retaliation against any person who makes a report or complaint or assists, participates, *or refuses to participate* in any investigation of an act alleged in this policy is prohibited.

Retaliation may result in disciplinary action.



# Title IX Coordinator

STRIVE Title IX Coordinator:

Shauna Carter,  
[scarter@strivecollegiate.org](mailto:scarter@strivecollegiate.org)

[Carly.elliott@mnps.org](mailto:Carly.elliott@mnps.org)

Can be contacted for consult for Charter  
School Title IX Coordinators



# Charter School Title IX To-do List

