



TITLE IX

Subheading

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“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.” 1972

UNWELCOME CONDUCT STANDARD

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 District's education program or activity.

DELIBERATELY INDIFFERENT

FUSD is liable if we have actual knowledge of an allegation of sexual harassment experienced by an individual in the program AND we did not take a reasonable response.

- Conduct that would be TIX if true.
- ANY employee
- Clearly unreasonable response in light of the known circumstances

SEX-BASED

Gender is not considered under Title IX

Transsexual students who are harassed or bullied would not be able to claim sexual harassment. (What about sex characteristics?)

All students may claim Title IX protections for quid pro quo or sexual assault.

JURISDICTION

- We have to have substantial control over the Respondent (R)
- AND the Context in which the conduct occurred
- Actual sexual harassment
- Within the US

COMPLAINTS PROCESS

- Complaints can only be filed with Michael Vogler in writing using our official documentation
- You can offer supportive measures (new form)
- You should use a reporting form (see website)
- Process remains the same

THE NEWS

OCR is taking an aggressive stance in investigating cases of sex and racially based discrimination:

- Intimate spaces: bathrooms, locker rooms, and showers
 - Designated by sex (male or female)
 - If there is a possibility of a person with the biological sex changing or using the bathroom in front of a person of the other sex.
- Athletics: males or transgender females may not participate on female teams.
 - Records, awards, etc. for any male or transgender female on a female only activity or team must be rescinded and awarded to the eligible female.