

DIRECTORS TRAINING

Columbia Public Schools
October 27, 2021



AGENDA

- BOE Policies AC, ACA, JFCF
- Definitions of Title IX
Sexual Harassment
- Response to Notice
of Sexual Harassment
- Scenario
- Investigative Process
Formal Complaint (ACA)



BOARD POLICIES

POLICIES FOR
NON-DISCRIMINATION
AND BULLYING

AC – Prohibition Against Illegal Discrimination, Harassment and Retaliation

ACA – Sexual Harassment under Title IX

JFCF – Prohibition on Bullying

AC

Compliance Officer for Personnel:

Dr. Jennifer Rukstad
Assistant Superintendent for Human Resources
573-214-3422

Compliance Officer for Students:

Carla London
Chief Equity Officer
573-214-3413

ACA

Title IX Coordinator for Personnel:

Joey Schenz
Human Resources Manager
573-214-3423

Title IX Coordinator for Students:

Ranita Norwood
Supervisor of Student Services
573-214-3438

JFCF

- Principals are designated to receive and investigate reports of bullying
- Compliance Officer under AC will serve as District-wide antibullying coordinator
- District-wide antibullying coordinator will receive all completed investigative reports from all buildings

OCR - DEAR COLLEAGUE LETTER 10.26.2010

“The movement to adopt anti-bullying policies reflects schools’ appreciation of their important responsibility to maintain a safe learning environment for all students.”

“I am writing to remind you, however, that **some student misconduct that falls under a school’s anti-bullying policy also may trigger responsibilities under one or more of the federal antidiscrimination laws** enforced by the Department’s Office for Civil Rights.”

OCR - DEAR COLLEAGUE LETTER 10.26.2010

“As discussed in more detail below, **by limiting its response to a specific application of its anti-bullying disciplinary policy, a school may fail to properly consider whether the student misconduct also results in discriminatory harassment.**”

DEFINITION OF TITLE IX SEXUAL HARASSMENT

NEW DEFINITION OF SEXUAL HARASSMENT(ACA)

- Quid Pro Quo Harassment
- Hostile Environment
- Harassment under Violence Against Women Act & Clery Act

QUID PRO QUO HARASSMENT

- An employee conditioning an aid, service, or benefit of the district on an individual's participation in unwelcome sexual conduct
- Does not need to be evaluated for “severity, pervasiveness, and objective offensiveness”
- Expressed or implied

HOSTILE ENVIRONMENT

- Unwelcome conduct
- Reasonable person
- Severe, pervasive, and objectively offensive
- Effectively denies a person's equal access to education program or activity

HARASSMENT UNDER VAWA & CLERY ACT

- Sexual Assault
- Dating Violence
- Domestic Violence
- Stalking



SEXUAL ASSAULT

- Rape
- Sodomy
- Sexual Assault with an Object
- Fondling
- Incest
- Statutory Rape

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
- Existence of relationship determined based on consideration of the length, type, and frequency of interaction
- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse
- Dating violence does not include acts covered under the definition of domestic violence



DOMESTIC VIOLENCE

Felony or misdemeanor crimes of violence committed by:

- Current or former spouse or intimate partner of the victim
- Person with whom the victim shares a child in common
- Person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
- Person similarly situated to a spouse of the victim under the domestic or family violence laws of Missouri
- Person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Missouri

STALKING

- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress



LOCATION

In an educational program or activity-locations, events, or circumstances over which the school district exercised substantial control over both the Respondent and the context in which the sexual harassment occurs

RETALIATION

Adverse treatment in response to seeking protection under Title IX

May be independent basis for charge or litigation

Examples include harassment in educational program, discipline, or denial of participation

RESPONSE TO NOTICE OF SEXUAL HARASSMENT

TWO PATHS UNDER ACA

Path 1 - Actual Knowledge

Path 2 - Formal Written Complaint



ACTUAL
KNOWLEDGE

- “Actual knowledge” is notice of sexual harassment or allegations of sexual harassment to **any district employee**
- Any person may report sexual discrimination (alleged victim or any third party)
- Report to Title IX Coordinator in person, by mail, phone, or email



RESPONSE
AFTER
ACTUAL
KNOWLEDGE

Promptly Contact Complainant

- 1) Discuss availability of supportive measures
- 2) Consider their wishes for supportive measures
- 3) Inform them of the availability of supportive measures with or without the filing of a formal complaint
- 4) Explain the process for filing a formal complaint



SUPPORTIVE MEASURES

- Available any time throughout process
- Available with or without filing of a formal complaint
- Explain the process for filing a formal complaint
- Record any supportive measures taken or why supportive measures were not taken

EXAMPLES



COUNSELING



EXTENSION OF
DEADLINES



MODIFICATION
OF CLASS
SCHEDULES



MUTUAL
RESTRICTIONS
ON CONTACT



EXCUSED LEAVE

REQUIREMENTS

Must offer supportive measures to complainant (may to respondent)

Grievance process required (i.e., filing of formal complaint)
before ANY disciplinary or punitive measures

Support measures must not “unreasonably burden the other party”

SCENARIO

INVESTIGATION PROCESS



FORMAL COMPLAINT

- Written & Signed by Complainant, Parent/Legal Guardian, or Title IX Coordinator
- No other third party can file a formal complaint
- Description of allegation (date, location, witnesses)
- As practical, in Complainant's own words

OVERVIEW AFTER FORMAL COMPLAINT UNDER ACA

Notices

Dismissal

Consolidation

Collection of Evidence

Review of Evidence by Parties

Investigative Report/Response/Exchange of Questions



CONTACT
TITLE IX
COORDINATORS

- Take allegations seriously
- Do not refuse investigation because of delayed timing of complaint
- Pull in Title IX Coordinators when there is actual notice of sexual harassment

WHO SHOULD INVESTIGATE

- Determined by Title IX Coordinator
- Investigator must be unbiased and without conflict of interest to both complainant and respondent

- Provide parties with same opportunity to have others present
- Provide written notice to party who is invited or expected to participate
- Provide parties an equal opportunity to inspect and review any evidence



QUESTIONS