

# Title IX: Mandated Reporter Training for Employees

**Nicole B. Rutherford**  
District Title IX Coordinator &  
Executive Director  
Office of Civil Rights Compliance

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# Training Objectives

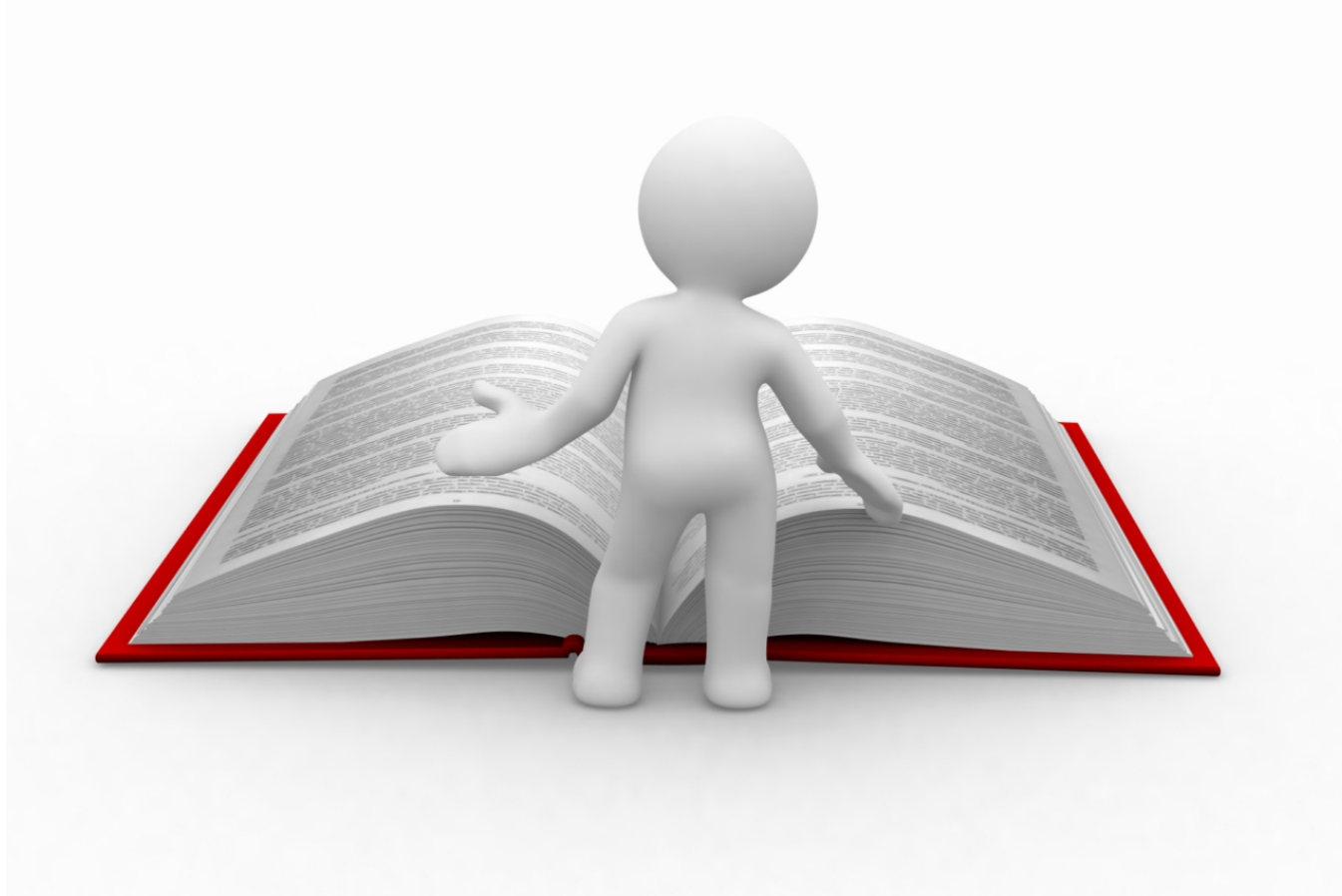
<b>Help</b>	Help you...
<b>Become</b>	become familiar with new federal regulations governing Title IX as well as District policies regarding sex/gender-based discrimination, including sexual harassment
<b>Understand</b>	understand your obligations under Title IX and School Board policies
<b>Understand</b>	understand what actions constitute sexual harassment
<b>Create</b>	create a more respectful and harmonious atmosphere



“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.”

## TITLE IX





# Definitions



# Sexual Harassment

**Sexual Harassment:** conduct on the basis of sex which satisfies one or more of the following three definitions:

1. An employee of the recipient (M-DCPS) conditioning the provision of an aid, benefit, or service of the recipient (M-DCPS) on an individual's participation in unwelcome sexual conduct (i.e. **quid pro quo**);
2. Unwelcome conduct determined by reasonable person to be so **severe, pervasive and objectively offensive** that it effectively denies a person equal access to the recipient's education program or activity; or
3. Any of the following:
  - ▶ **“sexual assault”** as defined by 20 U.S.C. 1092(f)(6)(A)(v)
  - ▶ **“dating violence”** as defined by 34 U.S.C. 12291(a)(10)
  - ▶ **“domestic violence”** as defined by 34 U.S.C. 12291(a)(8) or
  - ▶ **“stalking”** as defined in 34 U.S.C. 122919(a)(30).



# Complainants and Respondents

**Complainant:** an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

- ▶ May be a student, an applicant, employee or anyone attempting to access an educational program or activity.

**Respondent:** an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.



# Educational Program or Activity

Schools must address allegations of sexual harassment that occur in “the school’s education program or activity, against a person in the United States.”

- ▶ “Education program or activity” is broadly defined to include locations, events, or circumstances over which the school exercises **substantial** control.
  - ▶ Examples include school field trips, school dances and sporting events.
- ▶ The school must have substantial control over both the respondent (i.e., the alleged harasser) **and** the context in which the sexual harassment occurs.



# Title IX Coordinator

The District's Title IX Coordinator's role is to oversee efforts to investigate, remedy, stop, and prevent all forms of gender-based harassment, including sexual harassment within educational programs and activities.

## **Title IX Coordinator Contact Information:**

Office of Civil Rights Compliance (CRC)

155 N.E. 15th Street, Suite P104E

Miami, FL 33132

Phone: (305) 995-1580

Fax: (305) 995-2047

Email: [crc@dadeschools.net](mailto:crc@dadeschools.net)

Website: <https://hrdadeschools.net/civilrights>





# You Have a Duty to Report All Allegations of Sexual Harassment

- ▶ Federal Title IX regulations require schools to respond whenever any employee has notice of sexual harassment, including *allegations* of sexual harassment without delay.
- ▶ All faculty and staff are required to report acts of sex discrimination, including sexual harassment to their Principal or Site Supervisor and the District's Title IX Coordinator or Deputy Coordinator.



# You Have a Responsibility to Take Action



Whether or not a student files a formal complaint of alleged sexual harassment or otherwise asks the school to take action, the District must take steps to understand what occurred and to respond appropriately.



# You Have a Duty to Report All Allegations of Sexual Harassment

- ▶ While many reports of sexual harassment may come to employees by them witnessing instances first-hand, the duty to report also extends to information received second-hand.
- ▶ The duty to report may even extend to rumors and gossip if the allegations are detailed enough to create notice to the District.
- ▶ If an incident of sexual harassment occurs and you are unsure of whether you need to report it, always seek the guidance of District Title IX Coordinator and err on the side of reporting.



# Failure to Report

- ▶ While many employees have relationships of trust with students and other employees, it is not appropriate to promise someone that you will not report what they tell you regarding sexual harassment.
- ▶ A Board employee who fails to promptly report an incident of sexual harassment of which the Board employees is aware, may be subject to disciplinary action, up to and including termination.
- ▶ Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic-mail, using the Title IX Coordinator's contact information.
- ▶ Please note that all M-DCPS employees are mandatory reporters pursuant to Federal Title IX regulations.



# Reports of Child Abuse



- ▶ Pursuant to Florida law and School Board Policy 8462, any person, including teachers, administrators, support personnel, and other District and school personnel, who knows, or has reasonable cause to suspect that a child or student has been abused, abandoned or neglected, subjected to inappropriate intimate interactions by adults or has become the victim of a known or suspected juvenile sexual offender, shall report such knowledge or suspicion to the Florida Department of Children and Families at 1 (800) 96-ABUSE or <https://reportabuse.dcf.state.fl.us/Child/ChildForm.aspx>.
- ▶ For more information on mandatory reporting of child abuse and neglect, please refer to School Board Policy 8462.



# Guidance on When to Report

- ▶ Allegations of sexual harassment against an administrator may be reported directly to the Title IX Coordinator.
- ▶ Off-campus incidents may be within the duty to report under Title IX, so employees should report them and/or seek the direction of the Title IX Coordinator if they are unsure whether they need to report.



# Sexual Harassment & Distance Learning

- ▶ Recent events require M-DCPS to deliver educational content to students purely on virtual and online platforms.
- ▶ It is imperative that all faculty and staff remember their responsibilities to maintain learning environments free from harassment and discrimination.
- ▶ It is important to acknowledge the new environment and take time to update expectations for the virtual environment as it relates to student participation and conduct during virtual class sessions and in-class discussions.
- ▶ Some of the same classroom management strategies employed in the physical classroom and school setting are just as effective in the virtual classroom.
- ▶ It is important to establish clear and reasonable expectations for student engagement in the virtual setting.



# Sexual Harassment & Distance Learning

- ▶ Faculty and staff should address discriminatory and harassing behavior immediately.
- ▶ Under no circumstances should discriminatory or harassing behavior be ignored because of the new format of instruction.
- ▶ Just as it would be improper for an instructor to allow a student in a physical classroom setting to direct offensive and harassing behavior at others in class without addressing it, the same expectations must be enforced by instructors in a virtual setting.
- ▶ Whether in a virtual class discussion or online chat boards related to classwork, faculty and staff have a responsibility to address disruptive, offensive, and/or harassing conduct and bring it to the attention of the administration.





# Sexual Harassment & Distance Learning

- ▶ If the offending conduct involves offensive or discriminatory behaviors that are sex-based or gender-based, instructors must report the incident to school administrators and the District Title IX Coordinator.
- ▶ Staff should be prepared to provide specific details about the offending conduct and the person(s) involved.



# M-DCPS Office of Civil Rights Compliance (CRC)

- ▶ CRC is responsible for coordinating the District's response to allegations of sexual harassment and related retaliation.
- ▶ CRC works with school site and Region Office administrators to promptly investigate, stop, prevent and remedy instances of sexual harassment.
- ▶ CRC works with schools to receive reports, complaints, investigate incidents, provide supportive measures, and long-term remedies related to sexual harassment.
- ▶ CRC also provides training on recognizing, preventing and responding to all forms of discrimination and harassment including sexual harassment.
- ▶ CRC strives to ensure that all members of Miami-Dade County Public Schools (M-DCPS) value and respect each other's contributions and opinions without regard to gender, race, social or ethnic background, or any of the protected categories.





# Test Your Knowledge



# Scenario 1

Ms. Terry Teacher overhears two students, Amy and Belinda, discussing an incident where Amy's boyfriend, Charles, slapped her in a stairwell of the school during an argument.

► Should Ms. Terry report this incident?



# Scenario 1

- ▶ Yes. Ms. Terry should report this incident to her school administrator and the District's Title IX Coordinator.
- ▶ Ms. Terry has heard an allegation of sexual harassment under Title IX, specifically, allegations of domestic violence.
- ▶ Even though Ms. Teacher is not a direct witness to the domestic violence discussed between the two students, she is aware of an allegation and must report it.



## Scenario 2

A teacher, Mr. Arnie Hammer witnessed a 6<sup>th</sup> grade student from another class inappropriately touch another student while on the bus going to a field trip.

- ▶ Should Mr. Hammer report this incident?



## Scenario 2

- Yes. Mr. Hammer should report this incident to a school administrator and the Title IX Coordinator as it describes an allegation of sexual assault during an educational program or activity.



## Scenario 3

A parent informs you that his son, Stanley Student, is being sent nude photos by a female student, Harriet Harasser, while he is trying to participate in his online math class.

The parent reports that the photos are being sent every day and are very graphic in nature. The parent also tells you that Stanley is reluctant to show his face during online learning sessions because when Harriet sees him on her computer screen, she sends more shocking photos to get a visible reaction from Stanley during class.

► Is this conduct that should be reported?





## Scenario 3

- ▶ Yes. This conduct may constitute behavior of sexual nature that is severe, pervasive and objectively offensive.



## Scenario 4

You overhear, students discussing a female social studies teacher, Ms. Alexandra Hamilton. The students state that if they give Ms. Hamilton their cell phone number and add her as a friend on Instagram, that she gives them extra credit.

- Is this conduct that should be reported?



## Scenario 4

- ▶ Most likely, yes. While this conduct may not be in and of itself sexual in nature, it may constitute “grooming behavior”, a process by which an offender draws a victim into a sexual relationship and maintains that relationship in secrecy.



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Twitter: @MDCPSCRC

