

- Title IX Overhaul
- New Regulations:  
The “Final Rule”

# IX



**PASO ROBLES**

JOINT UNIFIED SCHOOL DISTRICT  
THE DISTRICT OF EXCELLENCE

# MAJOR SHIFT:

## Required Response to Sexual Harassment, Generally

- "A recipient with actual knowledge of sexual harassment in an education program or activity of the recipient against a person in the United States, must respond promptly in a manner that is not deliberately indifferent. A recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances."

-Section 106.44 of the 2020 Final Rule

# **NEW:** Actual Knowledge

- Who is responsible for being aware of reports of sexual harassment?:

- Title IX Coordinator: Jen Gaviola

- "any official of the recipient who has the authority to institute corrective measures"; OR

- any Employee of an elementary and secondary school

- In short: everyone!

- Actual knowledge triggers further action in the form of supportive measures and information re. Formal Complaints

# **NEW:** Formal Complaint

Elements of a Formal Complaint:

- A document filed by a complainant (or their parent or legal guardian) alleging sexual harassment against a respondent and requesting that the school investigate the allegations.
- Who can file a complaint?
- Signature Requirement for Complainant
- Complaints Signed by Title IX Coordinator

# **NEW:** Definition of Sexual Harassment

- Significantly narrowed definition
- Sexual harassment is defined as
  - (1) any quid pro quo harassment by a school's employee
  - (2) "any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive" that it "denies" a person equal educational access;
  - (3) sexual assault;
  - (4) dating violence;
  - (5) domestic violence; or
  - (6) stalking. (34 C.F.R. § 106.30)

# INVESTIGATION TIME:

Actual Knowledge +  
Formal Complaint +  
Sexual Harassment +  
Educational Program or Activity +  
in United States =  
INVESTIGATION and/or informal resolution



# **NEW:** Investigation and Remediation

Now with More Due Process Than Ever!

## **Notice**

### **Two-Step Evidence Inspection Process:**

- Step 1: Inspection and Review of Evidence before investigation report finalized
- Step 2: Obligation to give parties the opportunity to submit questions after report is finalized by before a determination of responsibility is made

## **Live Hearing Option**

## **Written Determination**

# NOTICE

- Title IX Coordinator must send written notice of the allegations to both parties upon receiving a formal complaint.

## What must be in the written notice?

- grievance process
- sufficient details of the allegations(s)
- advisor
- false statement or false information