



SEATTLE
PUBLIC
SCHOOLS

Time with IX

Navigating the Sexual Harassment Definitions in the K-12 Setting

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For questions and more information about this document, please contact the following:

Title IX Coordinator
Office of Civil Rights
title.ix@seattleschools.org

The document is a PDF of training materials from the Association of Title IX Administrators. This is one of the training modules Title IX staff members have attended. The training covers definitions under Title IX and how they apply to the K-12 setting.



Association of
Title IX Administrators

Time with IX: Navigating the Sexual Harassment Definitions in the K-12 Setting

Friday, February 11, 2022

3:00PM – 4:30PM ET

TODAY'S PRESENTERS



Tanyka M. Barber, M.H.S., J.D.
Partner, TNG



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Partner, TNG
Vice President, ATIXA

ZOOM MEETING ETIQUETTE:

This program is being recorded and will be provided to all attendees within seven business days.

- **Please Keep your Microphone Muted Throughout the Meeting**
 - On your video screen you should see a mute/unmute button
 - When muted you will see your microphone appear in red on your video screen
 - You can choose to have your video on or off throughout the meeting
- **To Ask a Question Please Use the “Raise Hand” Feature**
 - Click on “participants” at the bottom of your screen. A participant box will appear and at the bottom you will click “raise hand”
 - Keep your hand raised and we will call upon you to speak. Please remember to unmute your microphone to ask your question and mute again when you finish speaking
 - If you click raise hand by accident or if your question is answered, you can click the button again to lower your hand
 - If you would like to ask a question anonymously, you can send that to the moderator in a private chat.
- **Chat Feature**
 - Please reserve the chat feature for more informal communication, not content-based questions. You can chat here with other attendees and ATIXA staff! You can choose to chat privately with other attendees as well. We will also post links in the chat for resources discussed during the event



Upcoming Trainings and Events

February

- 15-16 | Title IX Coordinator Three: Compliance and Case Management
- 17 | K-12 504/ADA Coordinator
- 18 | Title IX Hearing Officer & Decision-Maker: Interactive Mock Hearing
- 23 | K-12 Athletics
- 24 | K-12 Investigation Report Writing

March

- 1, 8, 15 | Title IX Coordinator One: Foundations
- 2, 9, 16 | Civil Rights Investigator One: Foundations
- 3, 10, 17 | Title IX Hearing Officer & Decision-Maker
- 7 | ADA/504 Coordinator
- 11 | Time with IX: No Contact Orders and No Contact Directives: Unilateral, Employee-Based, Mutual Orders, And More
- 22, 29 | K-12 Coordinator One: Foundations
- 22-23 | Title IX for Healthcare Educators and Providers
- 23, 30 | K-12 Investigator One: Foundations
- 24 | Consent Workshop
- Mar 31, Apr. 7, 14 | Title IX Coordinator Two: Advanced

April

- 5 | Title IX Athletics
- 5, 12, 26 | Civil Rights Investigator Two: Advanced

ATIXA MEMBERSHIP

ATIXA offers three membership levels: Super, Institutional, and Individual.

ATIXA exists to help the field of Title IX with access to tools that advance gender equity, motivate change, and implement best practices. Furthermore, its members receive up to the minute consultation and value in the many benefits provided below.

- Member Listserv
- Member-only Resource Library
- 20-Minutes-to...Trained access
- Discount on Training and Events
- Weekly Newsletter
- Member List
- 2020 Regulations Resources
- Member Webinars

To learn more, visit atixa.org/join

Why Join ATIXA?



Nationwide network of
top industry experts and
Title IX colleagues



Commitment to advancing
gender equity within
schools and colleges



Real-time takeaways on
compliance



Investment in professional
development



Unparalleled Title IX
expertise

REQUIRED DEFINITIONS – TIX REGULATIONS

Sexual Harassment is conduct on the basis of sex that satisfies one or more of the following:

- An employee of the Recipient conditioning the provision of an aid, benefit, or service of the Recipient on an individual's participation in unwelcome sexual conduct;
- 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 Recipient's education program or activity; or
- "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v)
"Dating violence" as defined in 34 U.S.C. 12291(a)(10)
"Domestic violence" as defined in 34 U.S.C. 12291(a)(8)
"Stalking" as defined in 34 U.S.C. 12291(a)(30)

SEXUAL ASSAULT

Any sexual act directed against another person, without the consent of the Complainant including instances where the Complainant is incapable of giving consent.

- **Rape** - Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without their consent, including instances where they are incapable of giving consent because of age or temporary or permanent mental or physical incapacity.
- **Sodomy** - Oral or anal sexual intercourse with another person, forcibly and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

SEXUAL ASSAULT (CONT.)

- **Sexual Assault with an Object** – The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will (non-consensually) or not forcibly or against the person’s will in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- **Fondling** - The touching of the private body parts of another person (buttocks, groin, breasts) for the purpose of sexual gratification, forcibly and/or against that person’s will (non-consensually), or not forcibly or against the person’s will in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

SEXUAL ASSAULT (CONT.)

- **Incest** - Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by [insert state] law.
- **Statutory Rape** - Nonforcible sexual intercourse with a person who is under the statutory age of consent of [insert age in your state].

DATING VIOLENCE

- Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition —
 - 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

- A felony or misdemeanor crime of violence committed —
 - By a current or former spouse or intimate partner of the Complainant;
 - By a person with whom the Complainant shares a child in common;
 - By a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner;
 - By a person similarly situated to a spouse of the Complainant under the domestic or family violence laws [insert your state here];
 - By any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of [insert your state here].

DOMESTIC VIOLENCE (CONT.)

- To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

STALKING

- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to —
 - Fear for the person’s safety or the safety of others; or
 - Suffer substantial emotional distress.
- For the purposes of this definition:
 - **Course of conduct** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.

STALKING (CONT.)

- **Reasonable person** means a reasonable person under similar circumstances and with similar identities to the Complainant.
- **Substantial emotional distress** means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.
- The TIX regulations insist this definition not be interpreted to violate First Amendment.