

# TITLE IX/SEX EQUITY OFFICER

## **Background**

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Under Title IX of the Education Amendments of 1972, each school district that receives federal financial assistance must designate at least one employee to coordinate the district's compliance with its responsibilities under Title IX, and to investigate complaints alleging sex discrimination, including sexual harassment. This employee is often known as the Title IX/Sex Equity Officer.

Similarly, under Washington state law, all school districts must designate at least one employee to monitor and coordinate the district's compliance with state nondiscrimination laws (chapters 28A.640 and 28A.642 RCW, and chapter 392-190 WAC). This employee is often known as the Civil Rights Compliance Coordinator.

The district's Title IX/Sex Equity Officer may also serve as the district's Civil Rights Compliance Coordinator. However, if a district assigns different coordinators for these roles, they should regularly collaborate with one-another, particularly on issues related to sex discrimination and sexual harassment.

While school districts may determine additional job requirements, the Title IX/Sex Equity Officer is, at a minimum, responsible for:

1. Coordinating and monitoring the district's compliance with Title IX, as well as state civil rights requirements regarding discrimination and harassment based on sex;
2. Overseeing prevention efforts to avoid Title IX violations from occurring;
3. Implementing the district's discrimination complaint procedures with respect to sex discrimination and sexual harassment; and
4. Investigating complaints alleging discrimination based on sex, including sexual harassment.

The district should document that it has communicated these responsibilities to the Title IX/Sex Equity Officer. One way of accomplishing this is to have the Title IX/Sex Equity Officer sign and date their job description.

## **Choosing a Title IX/Sex Equity Officer**

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The Title IX/Sex Equity Officer should be sufficiently knowledgeable about the requirements under state and federal sex discrimination laws, regulations, and guidance (including Title IX, chapter 28A.640 RCW, and chapter 392-190 WAC) to advise the district about its policies, procedures, and practices and to investigate complaints alleging sex discrimination and sexual harassment.

The school district should ensure that the Title IX/Sex Equity Officer receives appropriate and ongoing training. The district should clearly communicate the responsibilities and expectations of the position with the Title IX/Sex Equity Officer, and should provide them with the time and resources needed to effectively perform these duties.

## Sample Title IX/Sex Equity Officer Job Description

*Note: If the Title IX/Sex Equity Officer also serves as the district's Civil Rights Compliance Coordinator and/or Section 504 Coordinator, please see the sample job descriptions for these roles for additional responsibilities.*

Name: \_\_\_\_\_

Title: \_\_\_\_\_ School District: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

In coordination with Civil Rights Compliance Coordinator, the Title IX/Sex Equity Officer is responsible for monitoring and implementing the district's compliance with state and federal laws prohibiting sex discrimination, including Title IX and chapters 28A.640 RCW and 392-190 WAC. The major responsibility is to prevent sex discrimination and sexual harassment of students, employees, and others. Particularly when indicated below, the Title IX/Sex Equity Officer should coordinate closely with the district's Civil Rights Compliance Coordinator.

The Title IX/Sex Equity Officer's duties include the following:

### Knowledge of Title IX Requirements

- Develop a working knowledge of current laws, regulations, and guidelines related to sex discrimination and sexual harassment in public schools, including chapter 28A.640 RCW, chapter 392-190 WAC, and Title IX of the Education Amendments of 1972, as well as rules and guidelines adopted by OSPI and the U.S. Department of Education's Office for Civil Rights (OCR)
- Become familiar with resources and information available from OCR and OSPI's Equity and Civil Rights Office, and request technical assistance when needed
- Attend trainings related to Title IX and sex discrimination, such as those offered by OSPI's Equity and Civil Rights Office, and share information with district administrators and staff

### OSPI Reporting

- Serve as the district's liaison to OSPI's Equity and Civil Rights Office and OCR for issues regarding Title IX, sex discrimination, and sexual harassment
- Update Title IX/Sex Equity Officer contact information with OSPI's Equity and Civil Rights Office, as needed

### District Policies and Procedures

*In coordination with the district's Civil Rights Compliance Coordinator:*

- Facilitate the implementation of the district's policies and procedures related to Title IX, sex discrimination, and sexual harassment, and ensure that they are applied consistently across the district and at each school building
- Coordinate revisions to district policies and procedures related to Title IX, sex discrimination, and sexual harassment, as necessary, to ensure that they are up-to-date and consistent with current requirements under state and federal laws, regulations, and guidelines

## **Nondiscrimination Notices**

*In coordination with the district's Civil Rights Compliance Coordinator:*

- Regularly review district and building publications to ensure that they include a consistent nondiscrimination statement with all of the necessary protected classes and the name (or title), phone number, and address of the district's Section 504 Coordinator, Title IX/Sex Equity Officer, and Civil Rights Compliance Coordinator
- Ensure that the district uses effective methods to annually inform all students, parents, and employees about the district's discrimination complaint procedure, such as in staff and student handbooks
- Ensure that copies of the complaint procedure and any related forms are available in each school building to provide to students, parents, staff, and others who allege discrimination or discriminatory harassment

## **Sexual Harassment Notices**

- Ensure that the district's sexual harassment policy (or OSPI's sexual harassment poster) is posted in each school building in a location visible to both students and staff
- Ensure that the district's sexual harassment policy is included in any publication that sets forth the rules and standards of conduct for the school district, such as in student and staff handbooks

## **Training and Consultation**

*In coordination with the district's Civil Rights Compliance Coordinator:*

- Provide ongoing support and training to administrators and district- and building-level staff about requirements under state and federal sex discrimination laws (e.g., Title IX, chapter 28A.640 RCW, chapter 392-190 WAC), staff responsibilities, complaint procedures, and related district policies and procedures
- Disseminate information and coordinate training for students and/or parents about their rights under state and federal sex discrimination laws, including sexual harassment and the district's complaint procedures
- Advise the superintendent and school board regarding the status of the district's compliance with state and federal sex discrimination laws (e.g., Title IX, chapter 28A.640 RCW, chapter 392-190 WAC)
- Receive and respond to inquiries from students, parents, staff, administrators, and others regarding Title IX, sex discrimination, and sexual harassment
- Serve as a resource for administrators and district- and building-level staff about Title IX, state sex equity laws, and sexual harassment

## **Complaints and Investigation**

*In coordination with the district's Civil Rights Compliance Coordinator:*

- Respond to students, parents, staff, administrators, and others who report suspicion of Title IX violations, sex discrimination, or sexual harassment. The Title IX/Sex Equity Officer should investigate these concerns, institute corrective actions when appropriate, inform the individual about the district's complaint procedures, and assist individuals in filing complaints when needed
- Implement the district's discrimination complaint procedure with respect to allegations of Title IX violations, sex discrimination, and sexual harassment; receive and process complaints; and oversee the step-by-step process to be sure that timelines are met.
- Conduct and/or coordinate investigations of sex discrimination and sexual harassment complaints in accordance with the district's discrimination complaint procedures. This may involve interviewing complainants, respondents, and witnesses; reviewing documents and other relevant materials; and

researching legal standards and requirements relevant to the complaint. If the Title IX/Sex Equity Officer has identified a conflict of interest with respect to a particular complaint, the Title IX/Sex Equity Officer should recommend that the district hire a neutral outside investigator to investigate a particular complaint

- Upon completion of the investigation, provide the superintendent with a written report of the complaint and the results of the investigation in time for the superintendent to respond to the complainant within 30 days after the district initially received the complaint
- Organize and maintain records of all complaints filed regarding Title IX, sex discrimination, and sexual harassment, including all formal and informal. At least annually, review complaint files to ensure that the district's complaint procedures and timelines are consistently followed, and to identify any patterns and repeat offenders

### **Athletic Program Compliance**

- Develop, implement, and document a process to ensure that each school building that offers an athletic program administers a student athletic interest survey at least once every three years using OSPI's survey instrument. Disaggregate and analyze all survey results by sex and by school building to identify the top sports requested and the top reasons for non-participation, and to consider if the district should offer additional athletic opportunities for male or female students in order to comply with Title IX requirements
- Annually collect and analyze data to determine whether each school within the district is providing equal opportunities for male and female students to participate in athletics under Title IX's "three-part test." If the data suggests that any school's athletic program does not meet this test, develop and implement a plan to bring the building into compliance
- Develop, implement, and document an annual evaluation of the athletic programs at each school building to ensure that the overall benefits and treatment of the boys' and girls' athletic programs are comparable, considering the following factors: accommodation of interests and abilities, coaching and tutoring, equipment and supplies, scheduling, facilities, medical services and training, publicity and awards, and travel and per diem. The Title IX/Sex Equity Officer may use the sample self-evaluation worksheets provided by OSPI's Equity and Civil Rights Office. If this annual evaluation identifies any disparities that favor one sex, develop a plan to address the disparity.

### **Textbooks and Instructional Materials**

*In coordination with the district's Civil Rights Compliance Coordinator:*

- Participate in the development and implementation of the school district's instructional materials policy and bias review criteria with respect to bias pertaining to sex in textbooks and instructional materials
- Ensure that the district evaluates all textbooks and instructional materials for bias, update bias review criteria when needed, and participate on the instructional materials committee when appropriate

### **Reviewing Systemic Barriers**

*In coordination with the district's Civil Rights Compliance Coordinator:*

- Participate in the development and implementation of the school district's process to routinely review disaggregated student discipline data and course and program enrollment data to identify and address potential disparities and systemic barriers based on sex
- Continually monitor school programs, activities, and services (including, but not limited to, Advanced Placement courses, Highly Capable Programs, Career and Technical Education courses,

Alternative Learning Experiences, extra-curricular activities, etc.) to ensure that all students are given an equal opportunity to participate without discrimination based on sex

- Coordinate with the district's human resources office to evaluate employment criteria, recruitment, compensation, job classification, benefits, and advertising to ensure that they are not discriminatory on the basis of sex