

TITLE IX COMPLIANCE: INVESTIGATIONS

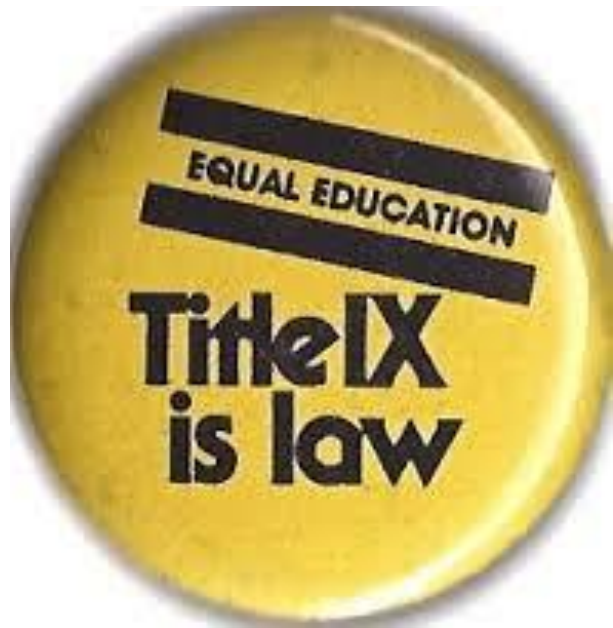


December 14, 015

2015 National Athletic Directors Conference

Rebecca Leitman Veidlinger, Esq.

Today we will cover



- Introduction to Title IX
- What to expect from a Title IX investigation
- Title IX responsibilities of coaches and athletic administrators

Feds investigate Gwinnett Schools handling of sex assaults

Email 18 Share 843 Tweet 33 ShareThis 1242



Authorities to investigate sexual assault at high school in Warren

Author: Mara MacDonald, Local 4 Reporter, @MaraMacDonald

Published On: Oct 27 2015 10:43:35 PM EDT

Updated On: Oct 27 2015 11:18:51 PM EDT



Two football players at Dixie Hollins High School in St. Pete are accused of raping a classmate

Dr. Dan Evans 'heartbroken' over allegations

BY: Jacqueline Ingles

POSTED: 2:05 PM, Jan 15, 2015

UPDATED: 5:14 PM, Jan 15, 2015



Teen says she was sexually assaulted by Culver City High School football players on campus, sues district

By City News Service

POSTED: 01/19/15, 10:08 AM PST | UPDATED: ON 01/19/2015

2 COMMENTS

LOS ANGELES - A teenager who alleges she was sexually assaulted at Culver City High School by members the football team is suing the school district.

Victim exposes 'complete failure' of Forest Hills schools to train for sex assault cases, judge says



By [John Agar | jagar@mlive.com](#)

[Follow on Twitter](#)

on March 31, 2015 at 5:27 PM, updated March 31, 2015 at 5:36 PM

 [Print](#)

 [Email](#)

GRAND RAPIDS, MI - Forest Hills schools failed to train school workers on responding to complaints of sexual assault and harassment, a judge said Tuesday.

FOREST HILLS ASSAULT

[School districts ramp up training after Forest Hills sex assault lawsuit, federal investigation](#)

Hartford Schools sued over alleged bullying

Dani Carlson

Published: May 27, 2015, 6:20 pm | Updated: May 27, 2015, 11:49 pm



[Send](#) [Like](#) 2,472 people like this. Be the first of your friends.

HARTFORD, Mich. (WOOD) — Hartford Public Schools is the defendant in a federal lawsuit alleging the district and some staff knew a student was being bullied but didn't take the proper steps to stop it.

© 2015 Rebecca Leitman Veidlinger

Forest Hills Schools settles sex assault suit for \$600K

Dani Carlson and 24 Hour News 8 web staff

Published: June 17, 2015, 10:17 am | Updated: June 17, 2015, 7:26 pm



Title IX of the 1972 Education Amendments, 20 U.S.C. § 1681(a)

“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 requirements:

Eliminate harassment, prevent recurrence, and address its effects

- Non-discrimination statement
- Title IX Coordinator
- Grievance procedure for allegations of sexual misconduct

Two kinds of sexual harassment

- Quid Pro Quo
- Hostile Environment



Hostile Environment Sexual Harassment

- Unwelcome (uninvited)
- Conduct of a Sexual Nature
- That is so severe, persistent or pervasive
- Unreasonably interferes with or limits an individual's ability to participate in or benefit from the educational environment.

What Does “Unwelcome” Mean?

- Uninvited/not initiated by complainant
- Could welcome sexual behavior still be a problem?
- Intention
- Must the student confront his/her alleged harasser? Why not?
- Can school require student to confront harasser as a means to address the conduct?



Conduct of a sexual nature



- Sexual statements
- Personal attention
- Physical/sexual acts

- Creation of hostile environment– severe, persistent or pervasive

“Bullying” and “Hazing”

- What are your definitions of “bullying” and “hazing?”
- But it was instituted by the kids, not the coach!
- What about conduct that occurs off school grounds?



Characteristics of Title IX Investigation

- Cannot rely on investigation performed by law enforcement
- Sexual harassment
- Knew or should have known
- Prompt
- Interim measures
- Preponderance of evidence



Athletic administrator's obligations related to Title IX investigation

- Act as the investigator?
 - NO!
- Implement interim measures
- Ensure cooperation from athletic department staff with district's investigation
- Understand Title IX basics regarding investigation
- Retaliation



Stepping back: Athletic administrators' responsibility under Title IX more generally



- Do not create or contribute to a hostile environment
- Be highly attuned to possible sexual harassment
- Make mandatory reports to Title IX Coordinator
- Make sure your students and staff are aware of district's applicable policies
- Be highly attuned to possible retaliation



QUESTIONS?

Rebecca Leitman Veidlinger, Esq.

rebecca@veidlinger.com

www.veidlinger.com

© 2015 Rebecca Leitman Veidlinger