

Sexual Discrimination in Educational Settings

Discrimination, harassment, and violence

Under Title IX, discrimination is defined as a broad range of activities that prevent or limit the victim from participating in or benefiting from an education program or activity. For example, the definition includes unequal participation, admission, or hiring opportunities in educational programs and activities, as well as unequal opportunities to participate in athletics or to obtain athletics-based financial assistance.

For the purposes of Title IX, sexual discrimination is a term that encompasses sexual harassment and sexual violence. While huge gains have been made in higher education in ending discrimination, sexual harassment and sexual violence remain all too common and often go unreported.

Sexual harassment is conduct that is sexual in nature, is unwelcome, and denies or limits a student's ability to participate in or benefit from a school's education program, or creates a hostile or abusive educational environment. Harassers and victims may be either male or female, and may be students, faculty, or staff. The victim and the harasser can be of the same sex.

Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. This may be, for example, due to the victim's use of drugs or alcohol, or an intellectual or other disability. Examples of sexual violence include rape, sexual assault, sexual battery, and sexual coercion.

Hostile environment and quid pro quo are the two general types of sexual harassment. Hostile environment sexual harassment occurs when unwelcome sexually harassing conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an education program or activity, or otherwise creates an intimidating, threatening, or abusive educational environment. Quid pro quo means "this for that" and, in the higher education setting, involves a student and a member of the campus staff with authority over the student. For example, a university lecturer offers a higher grade in exchange for sexual favors from a student.

Sexual harassment takes various forms and includes many kinds of behaviors. Here are some examples:

- requesting or pressuring an individual for sex or a relationship
- persistent and unwelcome touching of a sexual nature
- repeated e-mails, phone calls, texts, or IMs of a sexual nature
- offensive and persistent risqué jokes
- use of social media sites to sexually humiliate someone
- repeatedly asking another person about sexual experiences or activities

Title IX recognizes that the judgment and common sense of educators and administrators are very important in determining whether sexual harassment has occurred – and in determining an appropriate response.

Title IX and gender discrimination

It's a commonly understood principle that everyone has the right to attend an educational institution in an environment free from sexual discrimination. But knowing how to identify sexual discrimination, and how to respond, can be challenging. Title IX legislation promotes gender-neutral policies designed to ensure equality for every student by eliminating sex-based discrimination in education. The law upholds equal access and opportunity for the under-represented gender, be that male or female, with the goal of more equitable treatment and outcomes in higher education.

The reach of Title IX extends to "any education program or activity receiving federal financial assistance." Programs and activities that are covered by the law include athletics; recruitment; admissions; financial aid; scholarships; course offerings and access; hiring and retention; and benefits and leave. Title IX also protects students and employees from unlawful sexual harassment on campus.

Under Title IX, educational institutions must undertake three basic steps:

1. **distribute a nondiscrimination statement to students and employees** – Your school is required to circulate a notice of nondiscrimination, which includes examples of the types of conduct that it prohibits. It must be easily accessible to the school community, and provide contact details for the Title IX coordinator.
2. **identify a Title IX coordinator** – The Title IX coordinator is the person designated to oversee the school's compliance with Title IX. The coordinator manages the handling of all complaints and is available to assist staff and administrators on Title IX issues.
3. **adopt and publish grievance procedures** – Schools must adopt and publish grievance procedures that provide guidance for the prompt and equitable resolution of sex discrimination complaints. Make yourself fully aware of these policies and procedures so you're prepared to respond to complaints of sexual discrimination.

Providing a safe, respectful learning environment free from discrimination is a core goal of education. And avoiding negative publicity that could impact an institution's reputation and, by extension, attendance, is important to every school.

Sex discrimination includes unequal participation, admission, or hiring opportunities in education programs and activities. Title IX is designed to ensure equality of education for every student by eliminating sex-based discrimination in education. Being able to recognize sexual discrimination is important in providing a safe, respectful environment in which students can learn.

Course: Title IX for Education

Topic: Sexual Discrimination and Title IX

Responding Effectively to Complaints

Despite significant efforts to address the issue, sexual discrimination continues to occur from time to time on in educational settings, with both men and women being affected. Sexual harassment, in particular, is an ongoing issue in education.

Given this reality, a key issue highlighted by Title IX is ensuring that school employees take prompt and effective action in response to sexual harassment when it occurs.

There are a number of guidelines for responding effectively to complaints of sexual discrimination, harassment, and violence:

- **take immediate action** – Complaints of, or questions about, sexual misconduct should be handled right away. Take complaints very seriously. Get as much information as possible about what happened, when it happened, and who else may have witnessed the incident.
- **carefully document any complaints** – Carefully document any complaints or discussions with students concerning sexual misconduct. It's a good practice to take notes and review them with the complainant at the close of the discussion to ensure that you have accurately captured the details.
- **observe appropriate confidentiality** – Handle the matter as discreetly as possible. Assure the student that you will keep information private to the extent possible, but do not promise the student absolute confidentiality. Let the student know that you are required to pass his or her report on to the Title IX coordinator or other campus administrators as appropriate.
- **follow the institution's grievance procedures** – Follow the grievance procedures the school has put in place for reporting complaints to the Title IX coordinator or other resource.

Remember, sex discrimination can cover a range of behaviors and actions. It's important to keep the perspective of the person who is making the complaint in mind. One individual may consider certain sexual behaviors as flattering or funny, while another could see them as disrespectful, intimidating, and inappropriate.

Sexual misconduct can be a serious problem in school, but being proactive can go a long way to reducing the consequences. Be alert to signs of misconduct and address all complaints according to the school's policy.

Course: Title IX for Education

Topic: Responding Effectively to Incidents

Responding Effectively to Incidents of Sexual Misconduct

Purpose: Use this job aid to help you respond to complaints of sex discrimination, sexual harassment, sex-based violence, and other misconduct covered by Title IX and the Department of Education's Title IX Final Rule (2020).

The following are guidelines for responding effectively to complaints or allegations of sex discrimination and sexual harassment (which includes sexual assault, dating violence, domestic violence, and stalking) at an institution of higher education:

Take immediate action

- Gather as much information as possible about what happened, when it happened, who was involved, and who else may have witnessed the incident
- Take complaints seriously – actions will be reviewed later to make sure school was not “deliberately indifferent” to the complaint
- Be aware of who the Title IX Coordinator is and seek help if you have questions or concerns.

Actions following Notice of Sexual Harassment

Once the Title IX Coordinator or another designated official has notice of sexual harassment, the following actions must occur:

- Offer free, individualized, and supportive measures to the complainant (victim), including medical attention in cases of violence
- Consider the complainant's wishes with respect to supportive measures
- Explain the process for filing a formal complaint
- Avoid imposing discipline or other actions that are not supportive measures against the alleged harasser (respondent) without following a Title IX grievance process
- Ensure the Constitutional rights of the complainant and respondent are protected.

Observe appropriate confidentiality

- Handle the matter as discreetly as possible
- Do not promise the student that you will keep the information absolutely confidential

Follow grievance procedures

- If a formal complaint is filed by the complainant or the Title IX Coordinator, an investigation will happen
- If a formal complaint is filed, follow the institution's Title IX grievance procedures, which must be consistent with the DOE Final Rule
- If the complaint is not a Title IX matter, follow the school's procedures for other types of misconduct

Course: Title IX for Education

Topic: Responding Effectively to Incidents of Sexual Misconduct

Title IX for Higher Education

Glossary

Gender equity

The process of applying fair treatment to women and men.

Hostile environment sexual harassment

Sexual harassment occurs when unwelcome sexually harassing conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an education program or activity, or creates an intimidating, threatening, or abusive educational environment. See [Sexual harassment](#).

Quid pro quo sexual harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by one in a position of power or influence, such as a professor, administrator, or staff member. See [Sexual harassment](#)

Sexual discrimination

Discrimination based on a person's sex.

Sexual harassment

Conduct that is sexual in nature, is unwelcome, and denies or limits a student's ability to participate in or benefit from a school's education program. See [Quid pro quo sexual harassment](#) and [Hostile environment sexual harassment](#).

Sexual violence

Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. This may be, for example, due to the victim's use of drugs or alcohol, or an intellectual or other disability.

Title IX

A title of the Education Amendments of 1972 that protects people from discrimination based on sex in education programs or activities which receive federal funding. Title IX states that: 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 coordinator

A member of an institution's administration who oversees Title IX grievances and is available to help staff respond to complaints.



CERTIFICATE OF ACHIEVEMENT

This is to certify that

Staff Name

has completed the course:

Title IX for Education

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