

UNDERSTANDING TITLE IX

FOR STUDENTS AND FAMILIES

Title IX is a law that states schools must take steps to ensure that all students have the same opportunities for education and learning and are not limited because of their gender or sexual orientation.

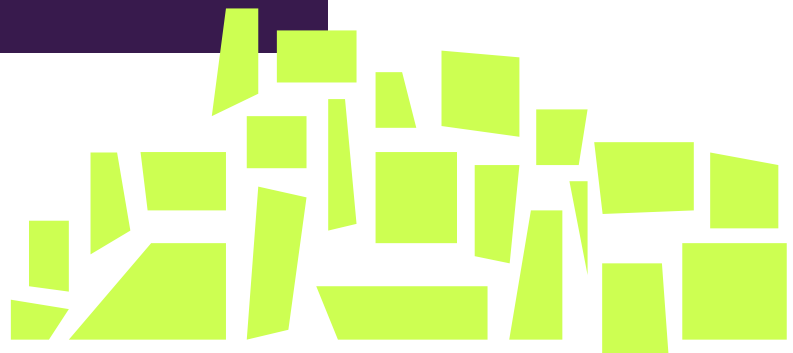
One part of this access to education includes providing students with a safe learning environment. Your school does a lot to make sure this is true for you!

Sometimes we find ourselves in a situation with someone else that leaves us feeling confused, or scared. Often when we feel that way, it means something was not right about what happened. It can be hard to understand what we experienced, especially if the other person was someone we are close to. Sometimes these experiences include sexual harassment, sexual assault, dating violence, stalking, or other behaviors that hurt us or make us feel unsafe. There's plenty of good news, though, if any of this sounds true for you or someone you care about - there are lots of people and resources around that are ready to support you and take steps to make sure you stay safe!

What's Inside?

In the following pages, you'll find lots of information that can help you determine whether a behavior you experienced was a violation of your rights under Title IX, where you can find support, what your school will do in response, and where you can find help in your community.

PATRICIA A. TOMSON
**CENTER FOR
VIOLENCE
PREVENTION**



**STOP School Violence Prevention & Mental Health Training Program
CFDA # 16.839**

Authorization by The Student, Teachers, and Officers Preventing (STOP) School Violence Act of 2018

The STOP School Violence Act is designed to improve school security by providing students and teachers with the tools they need to quickly recognize and respond to violent attacks, mitigate risk exposure, and prevent acts of violence. It provides funding to state, local, and Indian tribal governments to develop threat assessment and crisis intervention teams and anonymous reporting systems designed to identify threats before they materialize, including those that originate from individuals with mental health issues; and for the training of students, school personnel, and local law enforcement officers so that they can partner in preventing violent events from happening.

Trainings and associated materials are made possible through funding by the Iowa Department of Education and the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance through the STOP School Violence Prevention and Mental Health Training Program (CFDA# 16.839) authorized by the Student, Teachers and Officers Preventing (STOP) School Violence Act of 2018.

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Title IX in Schools



"Severe, Pervasive, and Offensive"

Under this law, it is recognized that sexual harassment that is "severe, pervasive, and offensive" (in other words, is extreme, happens often, and causes harm) can impact a student's physical and emotional safety in their learning environments to the point that they do not have the same opportunities as other students

Because of this, your school has extra measures that become active when they are made aware of events of sexual misconduct (including sexual harassment, sexual assault, stalking, and dating violence). This process kicks in when:

- 1. The behavior is extreme, happens often, and causes harm;**
- 2. It happens at a school location or school sponsored event;**
- 3. It happens to a student of the school;**
- 4. It happens between people with whom the school has authority over (another student, or a teacher, administrator, or other staff member of the school).**

If all of the above are true about the situation, your school will jump into action and take steps to investigate what happened and, if needed, make a plan to keep you safe and make sure your access to education isn't impacted. If some of the above don't quite fit what you experienced, your school may still have ways to support you; there are also places in your community where you can find support and guidance.

A MYTH ABOUT SEXUAL MISCONDUCT AND TITLE IX

MYTH: “Consent” just means that the person is okay with what’s happening.

TRUTH: In general, “consent,” in this context means agreeing to sexual contact or behavior. However, consent can have a lot of layers, and there are many factors that go into whether consent is truly present. Consent must be:

Affirmative - Consent means saying “yes!” Just because someone doesn’t say “no” does NOT mean they are consenting.

Ongoing - Consent means that anyone can change their mind at any time. If someone says “yes” at first but “no” (or “I’m not sure,” “hold on,” or anything short of “yes”) later, consent is no longer there and the behavior needs to stop.

Freely Given - Consent only counts when there is no pressure or manipulation to say “yes.” This also means that if someone is pressured into saying “yes;” threatened into saying “yes;” is intoxicated or drugged but says “yes;” this doesn’t count as consent because their “yes” was influenced and not freely given while of sound mind and body.

Informed - If someone was tricked or lied to, they didn’t really agree to the behavior in the way that it occurred. For example, if someone says they will use a condom or other forms of protection but do not, there wasn’t true consent.

Specific - Consent must happen for each individual behavior. This means that consenting to kissing does not mean there is consent for oral sex, and consenting to give oral sex does not mean consenting to receive oral sex.

Of Legal Age - In Iowa currently, individuals age 13 or younger legally cannot give consent for sexual contact in any circumstance. Individuals age 14 and 15 may give consent as long as the other individual is no more than 48 months (4 years) older. Individuals age 16 or older are currently able to give full legal consent in Iowa. However, it is illegal for any school employee to have sexual contact with a student, regardless of age.

A MYTH ABOUT SEXUAL MISCONDUCT AND TITLE IX

MYTH: Things like sexual assault and dating violence rarely happen, especially to young people. When it does happen, it is from strangers or enemies.

TRUTH: Among individuals who are victims of sexual or physical violence by a partner, a large percent first experienced the violence before the age of 18.

It is easy to believe that things like sexual assault, dating violence, and stalking don't happen very often, and especially not to young people. It is also easy to believe that these inappropriate behaviors must come from strangers or "enemies," and not from close friends, family members, romantic partners, or trusted adults of the person who experienced it. The truth is that these scary things happen to young people way too often, and it is never the victim's fault! When we learn more about what these behaviors can look like, we can be better prepared to identify inappropriate behaviors when we see or experience them and be ready to find support for ourselves or those around us.



Nationally

Nearly 1 in 11 female teens and about 1 in 14 male teens report having experienced physical dating violence in the last year.

About 1 in 8 female and 1 in 26 male high school students report having experienced sexual dating violence in the last year

LGBTQ+ students face twice the risk of heterosexual students.

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50% of LGBTQ+ students were victimized by someone other than a dating partner

Around 50% of stalking victims first experienced stalking before age 25



50%

Harmful & Inappropriate Behaviors

The following behaviors are harmful and inappropriate, and if you or someone you know has experienced them, you should find help! Your school district or local laws might define these slightly differently - but these descriptions can be a starting point for understanding what you have experienced.

Sexual Misconduct:

Sexual misconduct is a very broad term which includes many forms of harmful behaviors, including sexual assault, sexual harassment, stalking, and dating violence, which are described below. You may see the term sexual misconduct often in resources like this, since it does cover many forms of behavior.

It is important to note that different groups (like your school district, local law enforcement, etc.) may use this term in different ways, because it is so broad and general.

Sexual Harassment:

Behavior counts as sexual harassment when it is sexual in nature and is “unwelcomed” by the other person. Sexual harassment does not have to include actual or attempted physical touch. However, it can include physical touch, and sexual assault is actually a specific kind of sexual harassment. It can be tricky to determine when a behavior is considered sexual in nature, as well as when a behavior was unwelcome, so when in doubt, talk with a trusted adult.

Examples:

Making sexual jokes or comments, or telling stories about sexual experiences, which makes another person feel uncomfortable.

Spreading sexual rumors about another person, either in person, over text, or online.

Asking another person for naked pictures of themselves, or sending unwelcome naked pictures to others

Asking another person for sexual favors.

Behaviors Continued...

Sexual Assault:

Behavior counts as sexual assault when someone has made any kind of physical contact with another person in a sexual manner or on intimate body parts (such as breasts, buttocks, genitals, etc.) that the other person did not consent to. This includes if the behavior was attempted, but no physical contact was successfully made. Touching and penetration of the vagina, anus, and mouth without consent are all considered sexual assault and frequently called "rape." Sexual assault is a form of sexual harassment.

Examples:

- Grabbing or touching another person's backside or breast without consent.
- Grabbing at someone else's clothes in a sexually suggestive manner, even if contact isn't made with the body.
- Touching someone's private parts, or forcing someone to touch another person's private parts.

Stalking:

Stalking is not primarily sexual, but targets someone and causes them to feel scared or intimidated. Stalking behaviors focus on going out of the way to be physically close to another person, to see or watch the other person, or to keep track of someone online or with technology. Stalking can also include repeated unwelcome gifts or communication that is not wanted. This communication could be in person, on paper, or through phone, email, or on social media. The key to distinguishing stalking behaviors is that they are unwelcome and cause the other person to feel scared or intimidated.

Examples:

- Someone goes out of their way to frequently be near another person's classroom or locker between classes.
- Someone repeatedly leaves unwelcome gifts or notes for another person.

Dating Violence:

Dating violence includes a variety of harmful and inappropriate behaviors which can take place between two people in a close romantic or intimate relationship. Dating violence can take many forms, and includes physical, sexual, and emotional violence.

Examples:

- Hitting, kicking, shoving, or using physical force to hurt or overpower a partner.
- Touching a partner in any sexual way without consent.
- Manipulating, "gas lighting", or repeatedly degrading a partner.

WHO CAN I TALK TO?

Trusted Friend, Adult, or Family Member

If you have witnessed or experienced sexual misconduct, dating violence, or stalking, you do not have to go through it alone! Reach out to someone you trust! This person should be able to help support you emotionally. This person may also be able to help you figure out what to do next. If there isn't a family member who fits this role, a friend or other adult can still help support you. Be aware that this person *should*, but is not strictly required to, keep your information private. Be sure to talk to someone you trust!

Sexual Assault Advocate

Organizations in the community may offer advocates who are specially trained in Title IX, issues of sexual misconduct, and victim support who can give you guidance and support throughout this process. One benefit to an outside advocate is that they are not typically part of the school district and what is shared with them is confidential. Sharing personal information like sexual misconduct may feel more comfortable and private with an advocate than with school staff.

School Counselor

Your school counselor is specially trained to provide mental and emotional support for students in a variety of situations. This means that they can be a great resource for you after experiencing something troubling like sexual misconduct, and can be a strong support while navigating the often difficult process of a school investigation or criminal investigation. Your counselor's first priority is your well-being!

Your school counselor is a confidential resource, which means they cannot tell anyone else what you say to them. However, there are a few very important exceptions you should know:

- Your parents or guardians have access to some information about what you say. Ask your counselor if you are unsure what will be shared with these adults.
- Your counselor is a mandatory reporter. This means that they are required by law to file a report with a government agency if they suspect or are made aware of certain types of abuse against a minor.
- As a school employee, your counselor is also required to inform the Title IX Coordinator if they suspect or are told about sexual misconduct.

Although it might feel frustrating that all these people need to be made aware, these requirements are in place to make sure that action is taken to keep you safe!

WHO CAN I TALK TO?

Trusted teacher or other school employee

School employees are “private but not confidential.” This means that the teacher or employee will keep what you tell them mostly private, and will not share your story or information with the general public; however, they may have to inform a few other key people in the school. If any school employee is made aware of an instance of sexual harassment sexual assault, dating violence, or stalking, they have to bring it to the awareness of the Title IX Coordinator who will then reach out to you to discuss your reporting options and any supportive measures you may need. Remember, teachers and staff can be a strong support for you if you are comfortable talking with them, since they already know you and see you often.

Title IX Coordinator

The Title IX Coordinator will be able to give you the most information about the options that you have moving forward at your school, and can tell you about some supportive measures the school can provide for you in the mean time to make sure you feel safe and can continue learning. They will play a big role in your path forward if you continue with a report and investigation in the school.

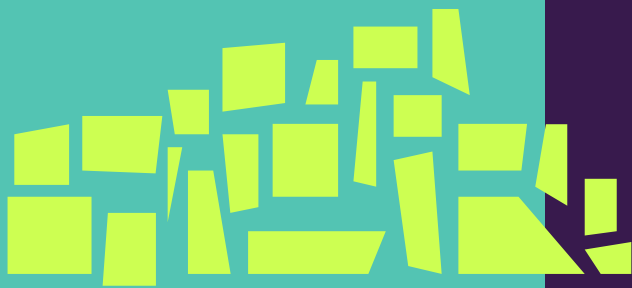
It is important to know that the Title IX Coordinator is not a counselor or advocate; their main role is providing you with information and leading the school’s response. Your school is required to provide the name and contact information of their designated Title IX Coordinator in an easily accessible manner. Check your school’s website for this information if you want to talk directly with the coordinator. Otherwise, any school staff can help connect you to the right person.

Police

If you think that you or someone else is in danger, call 911! Safety is most important.

Sexual harassment, sexual assault, dating violence, and stalking typically fall under criminal offenses, especially when the behaviors are against minors or dependent adults. This means that your local police department can investigate the experience and help you seek legal protection and punishment. Because police investigations can be extremely complicated, we encourage you to talk with an adult who can help you begin this process.

What Happens Now?



When students experience harm or abuse, there are a few ways that your school or local law enforcement can investigate. Throughout this process, the authorities involved will evaluate the information available in order to determine whether the situation happened as described and whether the other person should be reprimanded. Remember that not every uncomfortable or inappropriate experience falls under Title IX, and your school has different rules and procedures than local law enforcement. You can talk to your school's Title IX Coordinator or an outside advocate for more guidance about your rights and options.

Formal Investigation:

If the incident in question falls under Title IX (severe, pervasive, and offensive; at a school location or event; and between people with whom the school has authority over), the most common path forward is with a formal investigation.

During this process, an individual appointed by the school will lead an investigation to determine whether the sexual misconduct happened as it was reported. The school will look at evidence and listen to both parties. Please note: this is not a legal investigation, and does not determine whether the accused person is legally guilty.

For students in Kindergarten through 12th grade, a face-to-face hearing is optional. You may request to complete this process primarily in writing, individually, or over video-conferencing. You do not need to be face-to-face with the person who was reported for the misconduct.

You can request to drop the investigation at any point; however, you should know that if the reported behaviors are deemed particularly dangerous to you or other students in the future, the school may choose to continue the investigation on their own.

What Happens Now?

If a formal investigation does not seem like the right choice for you, or if you want to seek legal help as well, you have other options!

Informal Resolution:

This option is not offered by every school or for every situation, but when available, offers a less formal and often less strenuous path.

In an informal resolution, school staff will work with both parties to come to an agreement without a formal investigation.

- Both parties have to give voluntary, informed, and written consent... one party cannot force an informal resolution instead of a formal investigation.
- If you begin an informal resolution but change your mind, you can begin a formal investigation at any time.

Criminal Investigation:

It is possible to only report the incident to police for a criminal investigation, and not inform the school. However, reporting the incident to the school will make a number of supports and accommodations available during the school day

If both a school investigation and a criminal investigation are begun, the school must complete their investigation at some point, no matter what the criminal investigation finds. In some cases, the school may need to pause their investigation while the police investigation is completed; any supportive measures from the school will continue until the school can complete the investigation.

Accommodations & Resources



When schools become aware of potential misconduct, they are required by law to conduct an investigation and provide accommodations to all parties involved. These accommodations are also called, “supportive measures,” and are designed to ensure equal educational access, protect safety, or deter future harm.

Your school will work with you to determine what supports you need. Some common supportive measures include counseling services, academic tutoring, and class flexibility such as assignment retakes or extended deadlines. You may also be able to adjust your schedule, lunch period, and even bus route in order to avoid contact with the other person.

A few important things to know:

- Supportive measures will be available for both the person filing the report and the person reported against.
- Currently, Title IX says accommodations cannot place a burden on the student who is being investigated unless the investigation has come to a guilty verdict. This means that you may need to move your class schedule around to avoid contact at first, but if a guilty verdict has been reached, the guilty student can be forced to change schedules while yours remains the same.
- Information about what supportive measures are in place will be kept confidential.
- You have access to supportive measures even if you do not continue with a formal investigation. In this situation, the school would determine a future date when the supportive measures would no longer be provided.

RESOURCES

Experiencing sexual misconduct, dating violence, or stalking can leave us feeling scared, confused, ashamed, angry, numb, betrayed, and much more. There are many resources available outside of your school district that can help guide you and support you.

For information and guidance, check out:

- **Iowa Coalition Against Sexual Assault** (iowacasa.org) - Iowa CASA is a partnership between 25 programs that cover all 99 counties of Iowa. These programs provide sexual assault advocates for people who have experienced sexual assault, as well as a variety of trainings, resources, and education for the general public. Go to their website to find a local program that can help support you. A sexual assault advocate through IowaCASA can help walk you through your options and the process ahead of you, help you file a Title IX Complaint, and help ensure you receive reasonable accommodations.
- **Rape, Abuse, and Incest National Network** (rainn.org) - RAINN is the largest anti-sexual violence organization in the U.S. On their website, you can find more information about sexual violence, what to do if you've experienced sexual violence, and what options you have at your disposal.
- **Know Your IX** (knowyourix.org) - Know Your IX is a project led by youth and survivors that educates and empowers students. On the website, you can find more information on Title IX, sexual assault, your rights as a student, how to support family and friends, and ways you can get involved in making a difference.



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RESOURCES

For emotional support, a listening ear, and a safe space to process your experience and emotions, check out:

- **Iowa Victim Service Call Center** - 24/7 support. Call 1-800-770-1650 or text "IOWAHELP" to 20121 to connect with a trained advocate. This resource is for victims as well as family and friends.
- **National Sexual Assault Hotline** - 24/7 support. Call 800-656-4673 to talk with someone on the phone or visit online.rainn.org to be connected via instant messaging. Instant messaging is also available in Spanish.
- **Crisis Text Line** - 24/7 support. Text HOME to 741741 to connect via text with a trained crisis counselor. This resource is not limited to experiences of sexual harassment, and can also help support texters through distress from depression, anxiety, grief, abuse, and much more.
- **Trans Lifeline** - 24/7 support. Call (877) 565-8860 to connect with a trans or nonbinary peer operator. This resource is intended for trans and questioning people, and is not limited to experiences of sexual harassment, sexual assault, dating violence, and stalking.
- **Your Life Iowa** - 24/7 support. Call (855) 581-8111. Your Life Iowa is funded by the Iowa Department of Public Health. It provides free confidential support and resource connection for individuals who don't know who to turn to about a problem with alcohol, drugs, gambling, suicidal thoughts or mental health. www.yourlifeiowa.org



CRISIS TEXT LINE |

