

TITLE IX TRAINING

WHAT IS TITLE IX?

**Title IX of the Education Amendments Act
of 1972 provides 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 applies to males and females, gay, lesbian and/or transgendered persons.

Title IX applies to claims involving, but not limited to, student on student sexual harassment, employee on employee sexual harassment, athletic related claims, bathroom and access by transgendered students or employees.

Who is responsible for ensuring that ACS carries out its responsibilities regarding Title IX?

THE TITLE IX COORDINATOR



Who is the ACS Title IX Coordinator?

The ACS Student Services Supervisor

Contact Info:

ACS Student Services Supervisor

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Arlington, TN 38002

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What is Sexual Harassment?

**SEXUAL HARASSMENT MEANS CONDUCT ON
THE BASIS OF SEX THAT SATISFIES ONE OR
MORE OF THE FOLLOWING:**

- a) Conduct by an ACS employee which conditions the provision of an aid, benefit, or ACS service on an individual's participation in unwelcome sexual conduct.

b) 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.

c) ***“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); or ***“stalking”*** as defined in 34 U.S.C. § 12291(a)(30).

**What are your obligations if you are
informed of or witness sexual
harassment?**

You MUST **immediately** inform the ACS Title IX Coordinator, either in-person, by e-mail, telephone, or mail.

**Are you responsible for
investigating the sexual
harassment complaint?**

No, that is the responsibility of the Title IX Coordinator.

**What happens after a
complaint is filed?**

The first complaint is the informal complaint.

After that complaint is filed, the Title IX Coordinator contacts the Complainant to:

- (1) discuss the allegations;
- (2) inform the Complainant of all supportive measures that can be offered to the Complainant; and
- (3) explain the formal complaint process.

What is a Supportive Measure?

Supportive measures include non-disciplinary, non-punitive individualized services offered at no charge to the Complainant.

Supportive measures may include, but not be limited to, counseling, restrictions on contact between the parties, leaves of absence or modifications of class schedules.

The Formal Complaint

If the Complainant desires to *formalize the complaint*, the first thing that happens is that both parties to the alleged sexual harassment and their parents, if the complainant or respondent are students, are notified of the allegations of the complaint.

In this process, the
Respondent is *presumed
not responsible.*

The Complainant and Respondent, and their parents, if the Complainant and Respondent are students, are notified that they have a right to have an attorney or non-attorney advisor and to inspect and review evidence.

The parties are permitted to have one (1) advisor present at any part of the investigation during which the party is invited or encouraged to attend.

**What is the standard of evidence
to be used to determine
responsibility?**

The burden of proof is met when the fact finder is convinced that there is a greater than 50% chance that the complaint is true.

During the investigation the burden of proof and the burden of gathering evidence is on ACS.

The parties shall be permitted to present witnesses, including fact and expert witnesses, and other evidence.

Both Complainant and Respondent, and their parents, if the Complainant or Respondents are students, and their advisor will be provided with an opportunity to inspect and review any evidence obtained during the investigation.

The Title IX Coordinator will provide a report to the parties and the Decisionmaker at the conclusion of the investigation.

The parties will be given an opportunity to submit a written response to the Title IX Coordinator's report.

Who is the Decisionmaker?

The Decisionmaker is a person different from the Title IX Coordinator who determines responsibility in regard to the formal sexual harassment complaint.

The Decisionmaker
is appointed by the
Superintendent.

What happens after the written Determination of Responsibility is provided?

The parties can appeal the
Determination of Responsibility
to ANOTHER Decisionmaker
who is assigned by the
Superintendent.

This Decisionmaker will provide the parties the opportunity to submit a *written statement* in support of or challenge to the Determination of Responsibility.

After that, a written Decision regarding the appeal is provided to the parties, their parents, and their advisor.