

Title IX, Harassment, and Bullying



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Bullying and Harassment statutes

Title VI of the Civil Rights Act

- Prohibits discrimination on the basis of race, color, or national origin (does not reference religion but discrimination based on religion can be enforced under Title IV)

Title IX of the Education Amendments of 1972

- Prohibits discrimination on the basis of sex; includes sexual harassment, sexual violence, pregnancy discrimination; CT law includes transgender discrimination (does not specifically reference sexual orientation but protects all students regardless of actual or perceived sexual orientation from sex-based discrimination or harassment)

Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act

- Prohibits discrimination on the basis of disability

- **Title IV of the Civil Rights Act of 1964** – prohibits students from discrimination on the basis of race, color, sex, religion or national origin by public elementary and secondary schools and public institutions of higher learning
- **Conn. Gen. Stat. § 10-622d** – prohibits bullying in schools; bullying is defined as the repeated use by one or more students of a written, oral or electronic communication (cyberbullying) directed at or referring to another student attending school in the same or a physical act or gesture by one or more students repeatedly directed at another student attending school in the same school district, that:
 - Causes physical harm
 - Places the student in reasonable fear of harm to himself or herself or of damage to his or her property
 - Creates a hostile environment at school for the student
 - Infringes on rights of such student at school, or
 - Substantially disrupts the education process or the orderly operation of a school
- **Title VII of the Civil Rights Act of 1964** – prohibits employment and workplace discrimination on the basis of race, color, national origin, sex and religion; includes sexual harassment in workplace; *Note: Conn. Gen. Stat. § 46a-60(1) prohibits employment discrimination on the basis of age, ancestry, present or past history of mental disability, color, learning disability, marital status (including civil unions), mental retardation, physical disability, national origin, religious creed, sex, race, and sexual orientation*



Bullying/Harassment

1. What is it?
2. How to Report it?
3. Consequences?



What is Title IX?

- A federal law signed into order by President Nixon that states the following:

“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 not only prohibits sex discrimination, it also prohibits sexual harassment and sexual violence.

How does Title IX Affect HMTCA?

- This law applies to all educational programs or activities that receive federal financial assistance. This include colleges, universities, schools, and other educational or training programs that receive federal financial assistance.....so that includes us at HMTCA.....
- Title IX requires that each public school district, as well as state-approved non-public special education programs, have at least one person designated as the Title IX Coordinator, to coordinate compliance with the law.



Title IX Coordinator School Based: HMTCA

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Title IX District and State Contacts

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Special Education Department

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CT SDE Title IX Gender Equity and Sexual Harassment:

Adrian Wood, State Title IX Coordinator

CT State Department of Education - Turnaround Office

450 Columbus Boulevard, Suite 602

Hartford, CT 06103

(860) 713-6795

adrian.wood@ct.gov

Office of Civil Rights:

Office of Civil Rights

United States Department of Education

5 Post Office Square - 8th Floor

Boston, MA 02109-3921

(617) 289-0111

OCR.Boston@ed.gov



Sexual harassment

- Is not limited to prohibited behavior by a male toward a female, or by a supervisory employee toward a non-supervisory employee, or a teacher to a student. The victim does not have to be the opposite sex of the harasser. Harassment may be student to student, teacher to student, student to teacher or teacher to teacher. The gender of the complainant and/or the alleged harasser is irrelevant, even if they are of the same gender. Sexual harassment based on sexual orientation or gender identity is also prohibited under State Law.



What should I do if I believe I am being sexually harassed?

- Find out about your school or school district's policy and procedures for handling sexual harassment issues. Take action and get help when needed. Ignoring sexual harassment is not an effective way to stop it. Whenever possible, tell the harasser verbally or in writing what the specific behaviors are that you find offensive. Ask him or her to stop. Report the offensive behaviors to a teacher, counselor, Title IX coordinator, or school administrator. Keep a detailed record of the harassing behavior to share with school officials who investigate your complaint. If not satisfied with the resolution of your concerns, contact one of the appropriate listed earlier.
- The victim does not have to be the person at whom the unwelcome sexual conduct is directed; the victim may be someone who is a witness to and personally offended by such conduct although directed toward another.

What is Sexual harassment?

Sexual harassment is unwelcome conduct that is personally offensive, lowers morale, and interferes with educational performance. This unwelcome sexual behavior is defined from the perspective of the victim, not the harasser.



Sexual Harassment May Include:

- Unwelcome sexual advances
- Requests for sexual favors
- Verbal or physical conduct that explicitly
- Creates an intimidating, hostile, or offensive environment
- Unwanted deliberate touching
- Unwanted sexual looks or gestures
- Unwanted letters, telephone calls, or materials of a sexual nature
- Unwanted pressure for dates
- Unwanted sexual teasing, jokes, remarks, or questions





Examples of Sexual Harassment Continued

- Making sexual gestures with hands or through body movements.
- Telling lies or spreading rumors about a person's personal sex life
- Touching or rubbing oneself sexually around another person



HAVE YOU EVER

- Been hanging out by your locker with some of your friends and have someone walk by and rub against, lick their lips, call you a sexual name, or pretend he/she is having sex with you?
 - **THAT'S SEXUAL HARASSMENT.**

TITLE IX AND SCHOOL 9 IMPORTANT THINGS TO KNOW!

<https://youtu.be/IFAs9fegJsl>

1. Title IX is a landmark federal civil right that prohibits sex discrimination in education.
2. Title IX does not apply to female students only.
3. Your school must be proactive in ensuring that your campus is free of sex discrimination
4. Your school must have an established procedure for handling complaints of sex discrimination, sexual harassment or sexual violence.
5. Your school must take immediate action to ensure a victim can continue their education free of ongoing sex discrimination, sexual harassment or sexual violence.
6. Your school may not retaliate against someone filing a complaint and must keep a victim safe from other retaliatory harassment or behavior.
7. Your school can issue a no contact directive under Title IX to prevent the accused student from approaching or interacting with you.
8. In cases of sexual violence, your college is prohibited from encouraging or allowing mediation (rather than a formal hearing) of the complaint
9. Your college should not make you pay the costs of certain accommodations that you require in order to continue your education after experiencing violence.



What to Do?

- Tell him/her to stop
- Tell a parent/guardian, teacher, Principal, Dean, School Counselor, School Social Worker, or Prevention Specialist, Behavior Technician
- Statements can be verbal or written to an adult



What Happens Next?

- Investigation is conducted
- If a violation occurred, the school will take steps to resolve the situation which could include counseling and changing of schedules for the victim and harasser.
- Additional Consequences of the Incident can include:
 - A.) DCF Involvement
 - B.) Police Involvement
 - C.) Inability to attend School Events
 - D.) Alternative School Setting



Scenario

- 8th grader Claudia, has a photo of her friend Zoe , {who is also in the 8th grade}, on her phone. The photo was forwarded to her from a boy who attends another school. The boy was wondering if Claudia knew Zoe. In the photo, Zoe was wearing a bra and underwear only, with the caption, "Zoe is such a THOT" Claudia decided to let Zoe know what was circulating and show her the photo.
- Is this an act of bullying?
- Is this an act of sexual harassment?



Scenario

- A group of 9th grade boys were playing a game that consisted of slapping girls' butts in the hallway. A teacher saw the boys and wrote them up. Some of the girls also reported the incident to the Principal and stated that they felt uncomfortable walking down the hallway. The 9th grade boys were suspended from school for several days. When they returned to school, they continued to slap girls' butts in the hallway, including the girls who reported the incident to the Principal.
- Is this an act of bullying?
- Is this an act of sexual harassment?



SEXUAL HARASSMENT IS:

- Unwanted conduct, sexual in nature, that affects a person's ability to do their work or take part in educational opportunities. Sexual Harassment can be verbal. It can be nonverbal. It can be physical. It can hurt, it can make you feel bad about yourself.....and it violates your rights.



QUESTIONS????????????????

Thank you.

References

- Hartford Public Schools Board of Education Policies 5163.1 and 4118.31
- <https://www.knowyourix.org/college-resources/title-ix/>
- The United States Department of Justice
<https://www.justice.gov/crt/overview-title-ix-education-amendments-1972-20-usc-1681-et-seq>
- Connecticut Women's Education and Legal Fund