

# IDAHO K-12 TITLE IX PROFESSIONAL LEARNING COMMUNITY #10

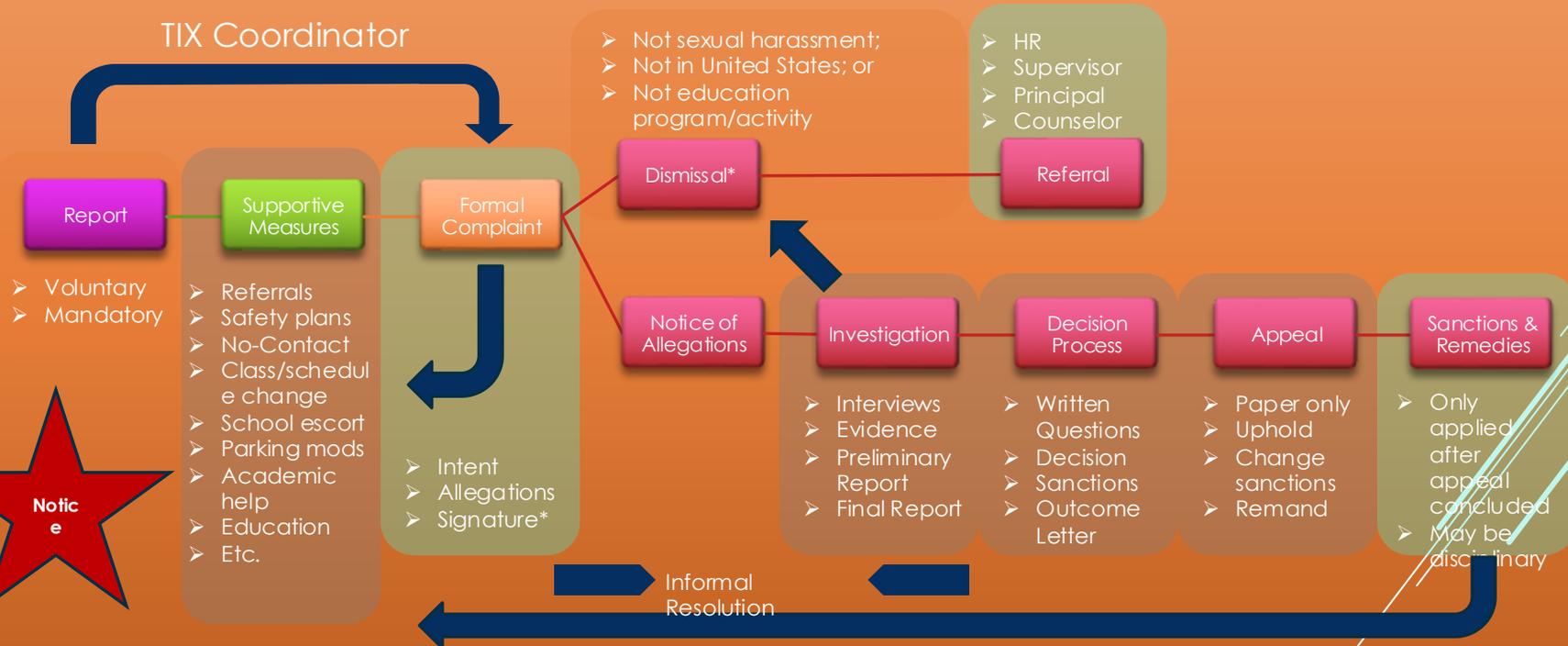
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# MEETINGS THROUGH JUNE

- ▶ 9 am MT/8 am PT – 60 mins
  - ▶ June 10

# TITLE IX FORMAL GRIEVANCE PROCESS – MUST PROVIDE FOR “PROMOTE AND EQUITABLE RESOLUTIONS OF STUDENT AND EMPLOYEE COMPLAINTS”



Slide courtesy of Danielle Charters– modified for K-12

# SUPPORTIVE MEASURES UNDER TITLE IX: ENSURING ACCESS AND SAFETY

# WHAT ARE SUPPORTIVE MEASURES?

- ▶ Non-punitive, non-disciplinary individualized services offered without fee to complainant or respondent.
- ▶ Aim is to restore or preserve access to education without unreasonably burdening the other party.

# PURPOSE OF SUPPORTIVE MEASURES

- ▶ Protect safety of ALL parties
- ▶ Prevent potential ongoing harassment
- ▶ Preserve access to your programs and activities

# KEY REQUIREMENTS

- ▶ Must be offered to every complainant, whether or not they file a formal complaint
- ▶ Title IX Coordinator must:
  - ▶ Promptly contact the complainant
  - ▶ Discuss available supportive measures
  - ▶ Consider the complainant's wishes
  - ▶ Explain the formal complaint process

# CONSIDERATIONS FOR RESPONDENTS

- ▶ Should be offered to respondents if needed to preserve access
- ▶ Supportive measures for complainants may not unreasonably burden respondent (and vice versa)
- ▶ Not intended as a presumption of responsibility

# OTHER CONSIDERATIONS

- ▶ No requirement for indential supportive measures
  - ▶ Should be based on individualized need aiming at preserving safety and access
- ▶ You maintain discretion within these constraints

# EXAMPLES OF SUPPORTIVE MEASURES

- ▶ Mutual no-contact orders
  - ▶ Class or passing period adjustments
  - ▶ Other schedule or building/based adjustments
    - ▶ Lockers, parking, etc.
  - ▶ Increased security and monitoring
    - ▶ Cameras, escorts, etc.
  - ▶ Transportation accommodations
  - ▶ Academic support (e.g., tutoring, incomplete, extended leave, remote work)
  - ▶ Referrals to medical/advocacy/counseling (consider partnerships)
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# IMPLEMENTATION RESPONSIBILITIES

- ▶ Title IX Coordinator is responsible for:
    - ▶ Coordinating effective implementation
    - ▶ Ensuring the burden does not fall on the student
    - ▶ Working with other offices, or community partners when reasonable, to develop and facilitate supportive measures
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# DOCUMENTATION AND COMPLIANCE

- ▶ If provided, document what was offered
    - ▶ Notify party to talk to TIXC if supportive measures are not working
  - ▶ If not provided, document why (rationale)
  - ▶ Maintain documentation for required periods under state law and federal regulations
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# SCENARIO

Oak Valley Middle School is a rural public 6–8 grade campus. During lunch, a 7th grade student, Ava, tells her homeroom teacher that another student, Liam, has been making repeated inappropriate comments about her body in front of their peers. Ava says she asked him to stop, but the behavior has continued for over a week.

Ava seems upset, says she doesn't want "drama," and asks the teacher *not to tell anyone*. The teacher, however, is concerned and shares the report with the school principal that afternoon. The principal notifies the Title IX Coordinator.

# INITIAL RESPONSE

The Title IX Coordinator meets with Ava the next day to:

- ▶ Acknowledge the report
- ▶ Offer supportive measures
- ▶ Explain Ava's right to file a formal complaint, making clear she is not required to do so
- ▶ Clarify that regardless of a complaint, supportive measures can still be put in place

WHAT ARE SOME SUPPORTIVE MEASURES  
YOU COULD OFFER?



# SUPPORTIVE MEASURES

- ▶ Adjusting seating or class schedules
- ▶ Providing Ava with support from the school social worker
- ▶ Offering a check-in schedule with a trusted adult
- ▶ Implementing a mutual no-contact order
- ▶ Alerting hallway and lunchroom monitors to discreetly supervise interactions
- ▶ Providing Liam with behavioral supports, pending further investigation

# KEY TAKEAWAYS

- ▶ Supportive measures are a central pillar of TIX compliance
- ▶ Designed to fairly support complainants and respondents with out any presumptions as to outcome
- ▶ Must be timely, tailored, and non-punitive
- ▶ Proper documentation is essential for understanding and appropriate record keeping

# WHAT QUESTIONS OR CONCERNS HAVE ARISEN FOR YOU THIS MONTH?

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