

# Region 14

# Title IX Information for Faculty

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# Title IX



Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681 *et seq.*) prohibits **sex discrimination in education and in education employment.**

- ◆ *"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."*

# Connecticut Education – Protected Classes



- race
- color
- religious creed
- sex
- age
- national origin
- ancestry
- marital status
- sexual orientation
- gender identity
- intellectually disabled
- physical disability or learning disability, or
- any other basis prohibited by Connecticut or federal law

# *Decisions to treat people differently because of their sex*

## **Types of “Discrimination”**

- ◆ Does not require hostility or intent to harm; difference in treatment is enough

# Title IX: Single Sex Programs

Both Title IX and the U.S. Constitution set **limits** on when single sex programs are permissible.



# Title IX: Athletics

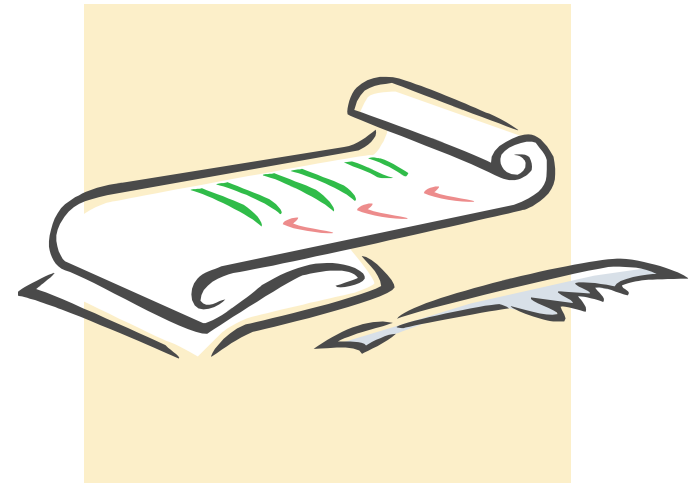
## *Three basic requirements:*

1. Schools must offer male and female students **equal opportunities to participate.**
2. Schools must **allocate athletic scholarship dollars equitably.**
3. Schools must provide male and female athletes with **equal benefits/services.**

# Equal Benefits/Services

*Boys' and girls' athletics programs must be **equal overall**,\* including:*

- ◆ Scheduling
- ◆ Travel
- ◆ Coaching
- ◆ Locker rooms/facilities
- ◆ Medical/training services
- ◆ Publicity
- ◆ Recruiting
- ◆ Tutoring
- ◆ Housing/dining



\* No “booster club” exception

# Eligibility/Inclusion of Transgender Athletes

- ◆ High school: All students are eligible to compete on teams consistent with their gender identity, regardless of whether has undertaken any medical treatment.



# Title IX: Pregnancy

## BASIC RULES

- ◆ Schools may not discriminate (in academic or extracurricular activities) based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions.
- ◆ Schools must treat students affected by pregnancy and related medical conditions the same as students similarly affected by temporary disabilities.

# Harassment /s Discrimination

## *Harassment includes:*

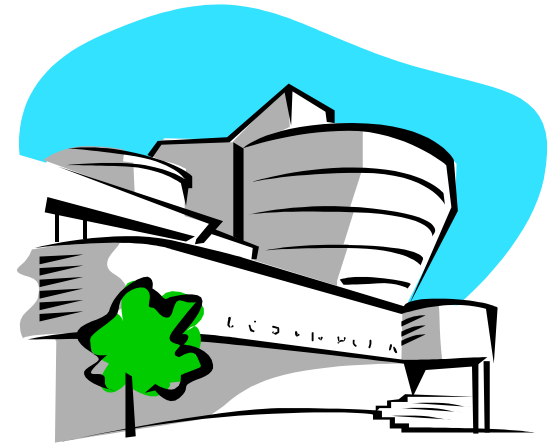
- ◆ Sexual harassment
- ◆ Gender-based harassment (name calling, stereotyped remarks)

# Sexual Harassment Is:

- ◆ Conduct of a **sexual nature**;
- ◆ That is **unwanted and unwelcome**; and
- ◆ That **interferes with a student's or staff's right** to learn, study, work, achieve, or participate in school activities in a comfortable and supportive atmosphere.

# Harassment Can Take Place:

- ◆ In classrooms
- ◆ In hallways
- ◆ On school grounds
- ◆ On school buses
- ◆ On field trips
- ◆ At sporting events
- ◆ At teachers' offices or homes
- ◆ Off campus; elsewhere



# Harassment Can Cause:

- ◆ Physical or emotional injury to victims
- ◆ Disruption of education
- ◆ Damage to a school's reputation
- ◆ Legal liability for a school

# Examples of Hostile Environment Harassment

## Physical Conduct

- ◆ Unwelcome sexual advances
- ◆ Unwanted hugs, touches or kisses

## Non-Physical Conduct

- ◆ Suggestive or lewd remarks or jokes
- ◆ Derogatory or pornographic posters, cartoons, screen savers

# How to Tell If There Is a Hostile Environment

## *Assess several factors:*

- ◆ **Severity** of conduct
- ◆ **Frequency** of conduct
- ◆ **Relationship and ages** of harasser and victim
- ◆ **Impact on victim** (both subjective and objective)

# What Is Retaliation?

*Any form of adverse treatment, which for **employees** can include:*

- 💧 Demotion or termination
- 💧 Reduction in pay
- 💧 Material change in job duties
- 💧 Harassment on the job
- 💧 Refusal to give positive job references



# What Is Retaliation?

*Any form of adverse treatment, which for **students** can include:*

- 💧 Suspension or expulsion
- 💧 Reduction in grades
- 💧 Denial of permission to participate on teams, or change in position on team, amount of playing time, etc.
- 💧 Harassment in class or on field

# Sexual Harassment Policy

## **Ensure Confidentiality and Prohibit Retaliation.**

- ◆ Ensure that complaints will be handled with as much confidentiality as possible and make clear that retaliation is strongly prohibited.
- ◆ Confidentiality will help to prevent retaliation against students or witness' s cooperating in an investigation, but you should explicitly forbid such conduct in your official policy and provide specific illustrations of retaliatory acts.

# Region 14 Board of Education Policies

- ◆ [4110 - Unlawful Harassment Personnel](#)
- ◆ [4110A - Filing Sexual, Racial or Other Unlawful Harassment Complaints](#)
- ◆ [4118.11\(a\) 4218.11 – Nondiscrimination](#)
- ◆ [4118.111\(a\) - Regulation - Grievance Procedure - Title IX](#)
- ◆ [4118.14\(a\)/4218.14 - Nondiscrimination on the Basis of Disabilities 4118.211/4218.211 – Retaliation and Whistle Blowing](#)
- ◆ [5000A - Procedures for Discrimination Complaints](#)
- ◆ [5145.4 \(a-b, form\) - Nondiscrimination/Complaints](#)
- ◆ [5145.52 - Unlawful Harassment of Students](#)
- ◆ [5145.52A - Procedures for Filing a Sexual, Racial or Other Unlawful Complaint](#)
- ◆ [5145.53 \(a-f\) Transgender and Non-Conforming Youth](#)

**The Commission on Human Rights and Opportunities (CHRO)**  
21 Grand Street, Hartford, CT 06106  
Tel: 860-541-3400 or 800-477-5737  
Web site:  
<http://www.state.ct.us/chro/>

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CT State Department of Education  
Bureau of Accountability & Improvement  
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Hartford, CT 06106  
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**Boston Office for Civil Rights**  
US Department of Education, 8<sup>th</sup> Floor  
5 Post Office Square  
Boston, MA 02109-3921  
Telephone: 617-289-0111  
FAX: 617-289-0150; TDD: 877-521-2172  
Email: [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)

**National Women's Law Center**  
11 Dupont Circle, Suite 800  
Washington, DC 20036  
Tel: (202) 588-5180  
Email: [info@nwlc.org](mailto:info@nwlc.org)  
Websites: <http://www.nwlc.org>  
and [www.titleix.info](http://www.titleix.info)

**Connecticut Women's Education & Legal Fund**  
75 Charter Oak Ave. Suite 1300  
Hartford, CT 06106  
Tel: 860-247-6090  
Fax: 860-524-0705  
Info & referral-  
860-524-0601 or 800-479-2949  
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**PFLAG - Parents, Families & Friends of Lesbians & Gays National Office**  
1726 M Street, NW Suite  
400 Washington, DC 20036  
Tel: (202) 467-8180  
Fax: (202) 467-8194  
Website: <http://www.pflag.org/>

**GLSEN National Office**  
121 West 27th Street, Ste 804  
New York, NY 10001  
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Website: <http://www.glsen.org/>

**National Center for Lesbian Rights**  
870 Market Street Suite 370  
San Francisco CA 94102  
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[www.nclrights.org](http://www.nclrights.org)

# Resources