IDAHO K-12 TITLE IX PROFESSIONAL LEARNING COMMUNITY # 8

COMMON QUESTIONS PART 3
AND
INFORMAL RESOLUTIONS

Annie Hightower, Hightower Consulting, LLC April 2022 (delayed)

Annie Hightower: Hightowerconsultingllc@gmail.com

FINAL MEETINGS

- ► May
 - ▶ 4th Tuesday at 9 am MT/8 am PT
 - ▶ 4th Thursday at 12 pm MT/11 am PT

▶ What topics would you like covered?

UPDATES

NPRM and updates to TIX

Anything else?



SEXUAL ASSAULT DEFINITIONS – COMMON CHALLENGES

REQUIRED DEFINITIONS FOR SEXUAL VIOLENCE

- Sexual assault forcible or nonforcible sex offense
 - Any sexual act including Rape, Sodomy, Sexual Assault With An Object, or Fondling directed against another person, without the consent of the victim, and including instances where the victim is incapable of giving consent
 - Incest—Nonforcible sexual intercourse between persons who are related to each other within the degrees where marriage is prohibited by law
 - Statutory Rape—Nonforcible sexual intercourse with a person who is under the statutory age of consent

COMMON CHALLENGES IN APPLICATION OF SEXUAL VIOLENCE DEFINITION

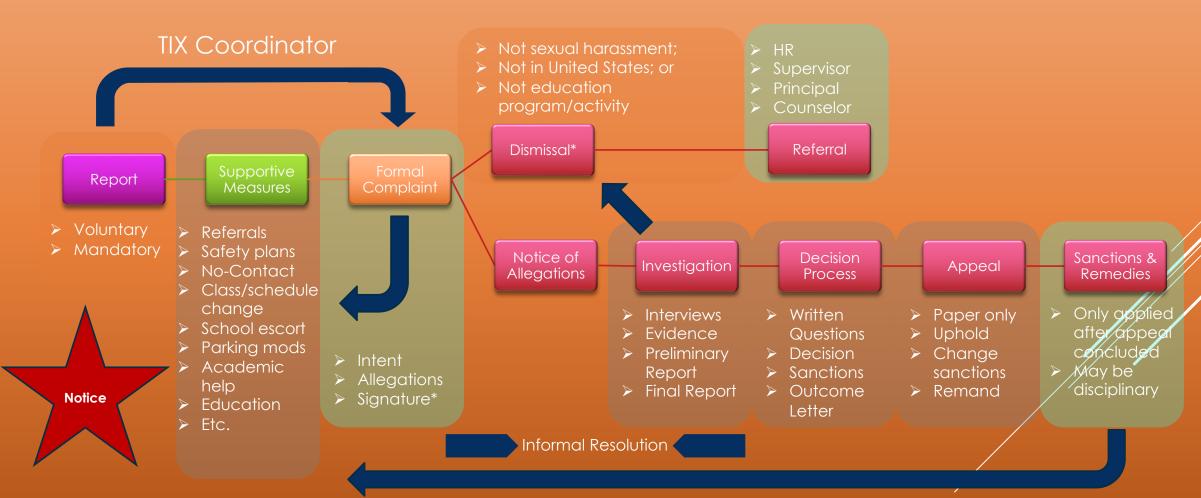
- ▶ What is "stealthing" and where does it fit?
- How are you applying the statutory rape requirement in your school?
- ► How are you assessing if one of the required definitions is met if there is no criminal charge or there is a different criminal charge?
 - ► Example L & L v. Statutory Rape

INFORMAL RESOLUTIONS

INFORMAL RESOLUTION

- ► May be offered <u>after</u> formal complaint and <u>prior</u> to any decision regarding responsibility
- ▶ Must provide to parties a written notice disclosing:
 - ▶ Allegations
 - ▶ Process requirements
 - When a party is precluded from resuming a formal complaint – right to withdraw from informal process
 - ▶ Consequences resulting from participating in process
- ▶ Must have voluntary written consent of parties

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



Annie Hightower - Hightowerconsultinglic@gmail.com

INFORMAL RESOLUTION

- ▶ Informal resolution **cannot** be:
 - ▶ Required
 - Offered unless a formal complaint is filed
 - Used to resolve allegations that an employee sexually harassed a student

INFORMAL RESOLUTION

- What might the consequences of engaging in informal resolution be?
 - ▶ What does this say about what staff should be involved?
- What do you foresee as things that may be outcomes in an information resolution?
- Are there times that you may not want to engage in the informal resolution process?

QUESTIONS?

hightowerconsultingllc@gmail.com (208) 389-8050