

Policy #900

Title IX Required Notices

Created: September 2021

Sponsor: Jacalyn Auris, Vice President of Education Services

I. Purpose

To ensure Devereux is compliant with the US Department of Education Title IX rules and regulations as they relate to required notifications. Title IX relates to sexual discrimination including sexual harassment claims within schools.

II. Scope

This policy applies to all Devereux Centers that operate school programs for students ages 5 to 21. Centers are required to have procedures in place to comply with Title IX regulations.

III. Background

Under Title IX, sexual harassment is defined as “an unwelcome conduct on the basis of sex that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school’s education program or activity.” Title IX regulations require certain actions and notifications as listed below.

(a) *Designation of Coordinator.* Each recipient must designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under this part. The recipient must notify applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the recipient, of the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator pursuant to this paragraph. Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

(b) *Dissemination of policy—* (1) *Notification of policy.* Each recipient must notify persons entitled to a notification under paragraph (a) of this section that the recipient does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by title IX and this part not to discriminate in such a manner. Such notification must state that the requirement not to discriminate in the education program or activity extends to admission (unless subpart C of this part does not apply) and employment, and that inquiries about the application of title IX and this part to such recipient may be referred to the recipient’s Title IX Coordinator, to the Assistant Secretary, or both. (2) *Publications.* (i) Each recipient must prominently display the contact information required to be listed for

the Title IX Coordinator under paragraph (a) of this section and the policy described in paragraph (b)(1) of this section on its website, if any, and in each handbook or catalog that it makes available to persons entitled to a notification under paragraph (a) of this section. (ii) A recipient must not use or distribute a publication stating that the recipient treats applicants, students, or employees differently on the basis of sex except as such treatment is permitted by title IX (c) *Adoption of grievance procedures*. A recipient must adopt and publish grievance procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by this part and a grievance process that complies with § 106.45 for formal complaints as defined in § 106.30. A recipient must provide to persons entitled to a notification under paragraph (a) of this section notice of the recipient's grievance procedures and grievance process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment and how they will respond.

IV. Definitions:

Formal Complaint- a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that Devereux investigate the allegation of sexual harassment.

Respondent- an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Recipient – a company (center) that operates a school and receives any type of Federal funding.

Sexual harassment- conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the company conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
- (2) 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 company's education program or activity; or
- (3) "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).

V. Policy

1. Each Devereux Center that operates a school will designate a Title IX coordinator. **See Attachment A (Title IX Roles) for name and contact information.**
2. Each Devereux Center that operates a school shall prominently display the following contact information for the Title IX Coordinator address on its website, if any, and in each handbook or catalog that it makes available to persons entitled to a notification: name, telephone number, electronic mail address, and office address.
3. Devereux shall not use or distribute a publication stating that the recipient treats applicants, students, or employees differently on the basis of sex except as such treatment is permitted by title IX.

4. Each Devereux Center that operates a school shall adopt and publish grievance procedures (refer to Policy 901 *Title IX Grievance Procedures*) that provide for the prompt and equitable resolution of student and employee formal complaints originating from actions in the school programs, alleging any action of sexual harassment as defined within this policy.
5. All staff and individuals enrolled or working in a Devereux school (including service contractors) **shall receive an initial notice / communication indicating that Devereux does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by title IX not to discriminate in such a manner.** Such notification shall state that the requirement not to discriminate in the education program or activity extends to admission and employment, and that inquiries about the application of title IX and this part to such recipient may be referred to the recipient's Title IX Coordinator, to the Assistant Secretary of HHS, or both. Notification will include the Center's grievance procedures and grievance process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment and how we will respond.
6. Actions under this policy do not replace mandatory reporting obligations as outlined in Center Procedures.

Approved: _____



Carl E. Clark II, President
September 14, 2021