

TITLE IX, SEX-BASED DISCRIMINATION, SEXUAL HARASSMENT

Loudoun County Public Schools (LCPS) is committed to maintaining an equitable, safe, and inclusive learning environment for students free from all forms of harassment and discrimination

A. Title IX and Sex-Based Discrimination and Sexual Harassment

1. Title IX of the Education Amendments Act of 1972 is a federal law that states: "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." The U.S. Department of Education has published implementing regulations that include, but are not limited to, the need for the designation of a Title IX Coordinator and for a specific complaint and grievance procedure meeting federal requirements regarding sexual harassment. Loudoun County Public Schools will establish regulations that address grievance procedures for addressing allegations that violate Title IX.

2. Sex-based discrimination includes, but is not limited to discrimination in programs, athletics, extra-curricular activities, facilities, course offerings, and funding.

3. Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- a. The provision of aid, benefit, or service for a student on an individual's participation in unwelcome sexual conduct;
- b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to LCPS's education program or activity; or
 - (i) Sexual assault" as defined in 20 U.S.C. § 1092(f)(6)(A)(v)
 - (ii) "Dating violence" as defined in 34 U.S.C. 12291(a)(10)
 - (iii) "Domestic violence" as defined in 34 U.S.C. 12291(a)(8)
 - (iv) "Stalking" as defined in 34 U.S.C. 12291(a)(30)

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- c. Sexual Assault. If an LCPS employee receives an alleged sexual assault notification, they must either report it directly to law enforcement or to a school administrator. If reported to the school administration, the receiving administrator must report the allegation immediately to law enforcement.

B. Title IX Coordinator. LCPS Superintendent will appoint a Division Title IX Coordinator to oversee the regulations and administration of the Title IX program. Notice of the Title IX Coordinator contact information shall be provided through the Student Rights and Responsibilities Handbook, the Employee Handbook, and the LCPS Webpage. The name, title, office address, email address, and telephone number shall also be provided in Regulation 8035.

The Title IX Coordinator is responsible for ensuring that once any school or division employee has actual notice of sex discrimination, sexual harassment, or sexual misconduct as defined by the Title IX Regulations and this policy, the division takes immediate and appropriate steps to investigate what occurred and takes prompt and effective action to stop the discrimination or harassment, prevent the recurrence, and remedy the effects. Actual notice is considered to have been provided when a division employee has knowledge of an allegation of sex discrimination sexual harassment. The Title IX Coordinator will work with school division employees who have been trained in their respective Title IX roles to ensure Title IX complaints are addressed in accordance with this policy and accompanying regulation.

The Superintendent shall issue regulations for this policy, which outline Title IX compliance in the following areas:

1. Ensuring the school division meets the training requirements for the Title IX Coordinator, investigators, the decision-maker, appeal reviewer, and informal resolution facilitators.
2. Creating a prompt and equitable grievance process that outlines:
 - a. how to file a formal Title IX complaint;
 - b. the determination process (i.e., whether a formal Title IX complaint is accepted or dismissed) and the criteria used in the determination;
 - c. the process for offering supportive measures to the complainant and respondent;

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- d. the rights of the complainant and respondent during an investigation;
- e. the investigation of the complaint;
- f. the decision-making process; and
- g. the process for appeal.

3. Developing a list of available supportive measures and creating a process by which those measures are offered to complainants; and

4. Developing a list of possible remedies and/or disciplinary sanctions and creating a process by which those remedies and actions are carried out.

[Former Policy 8-6]

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