



# COUNSELORS & TITLE IX

Cari Jacoby, Title IX Coordinator  
Allison Baldock, Title IX Specialist

- Title IX of The Education Amendments of 1972 •



“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

# Changes in Title IX Regulations

## Prior to August 14, 2020

- Relied on sub-regulatory guidance
- Single Investigator model
- All behavior of an inappropriate sexual nature was investigated

- **Certain individuals were “responsible employees” that were required to report incidents of sexual harassment**
- **Unclear relationship between Title IX and FERPA**
- **“Suspension Pending Investigation” allowed**
- **Evidence gathered during investigation kept confidential**

## As of August 14, 2020

- Full force and effect of law
- Distinct roles of Coordinator, Investigator, and Decision Maker
- Specific definition of “sexual harassment”

- **ALL employees are required to report**
- **FERPA bows to Title IX**
- **“Suspension Pending Investigation” not allowed**
- **Evidence is shared with the parties**



## ~~Responsible Employee~~ – “Appropriate School Official”

- *Every* employee of the Fairbanks North Star Borough School District is an “appropriate school official”
- This means that *everyone* – including counselors – *must* report known incidents of sexual harassment, sexual assault, domestic violence, dating violence, and stalking to the Title IX Coordinator
  - This has very different implications for your role as a counselor

# Definition of “Sexual Harassment”

- A district employee conditioning the provision of an aid, benefit, or service of the District on an individual’s participation in unwelcome sexual conduct (*quid pro quo*)
- Unwelcome sexual conduct that is *severe, pervasive, and objectively offensive*
  - “Sexual Assault,” “Dating Violence,” “Domestic Violence,” and “Stalking” as defined by Federal Law



# Title IX and FERPA

- FERPA does not allow a student's education records to be shared with anyone without their consent, or the consent of their parent/guardian if the student is under 18 years old.
- However, Title IX trumps FERPA. In the event a student becomes a party to a Title IX case (whether they are involved in the investigation or not), information about that student that would otherwise be protected under FERPA may be shared under Title IX to the degree required to comply with Title IX.



# SUSPENSIONS PENDING INVESTIGATION

What does the prohibition against this mean for you as  
a counselor?



# Investigations and Evidence

- Under the new regulations, both parties are entitled to review copies of the evidence collected during the investigation – this may include video, *un-redacted* student statements, or pictures
- This affects both the parties to the Title IX investigation and potentially other students

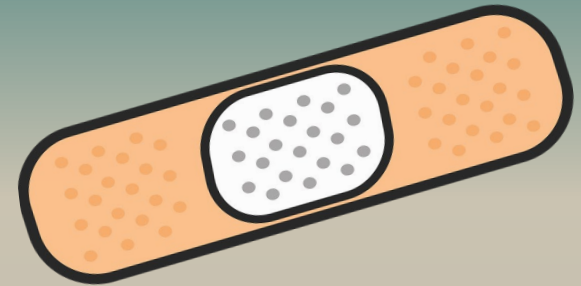
**What does this mean for you as a counselor?**



# How do you, as a counselor, fit into Title IX?



- Supportive Measures
  - Remedies
- Informal Resolution



# The Title IX Team



Cari Jacoby, Title IX Coordinator

[Cari.Jacoby@k12northstar.org](mailto:Cari.Jacoby@k12northstar.org)

452-2000 ext. 11466

Allison Baldock, Title IX  
Specialist/Decision Maker

[Allison.baldock@k12northstar.org](mailto:Allison.baldock@k12northstar.org)

452-2000 ext. 11379



QUESTIONS ?