



Loudoun County Public Schools Title IX Information for Families

What is Title IX?

Title IX of the Education Amendments of 1972 (Title IX) prohibits discrimination based on sex in education programs and activities that receive federal financial assistance. Title IX 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.”*

What behavior constitutes a potential claim under Title IX?

Sex Discrimination:

Sex discrimination involves treating someone (a student, employee, or applicant) unfavorably because of that person's sex, including the person's sexual orientation, gender identity, or pregnancy. This can include the failure to provide equal opportunity in educational programs, including but not limited to course offerings, educational activities, physical education, and athletics.

Sexual Harassment: means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the recipient 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 recipient'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\(a\)\(30\)](#).

For more detail on **Title IX definitions and terminology**, please visit <https://www.lcps.org/Page/241076>

What should I do if my child has been subject to sex discrimination, including being sexually harassed or sexually assaulted?

- Schools have responsibility for alleged discrimination or sexual harassment by staff and by other students that occur within the Schools educational program or activity.. If you feel your child has been subjected to sex discrimination, including sexual harassment by another student or LCPS employee, you should immediately report the conduct to the Title IX Coordinator (contact information noted below) or to your child's principal or another administrator in the school.
- If you want criminal charges to be filed, report to the local police. (Criminal and Administrative investigations under Title IX are two separate processes).

How do I file a formal Title IX Complaint for Sexual Harassment?

- Complaints alleging sexual harassment and requesting an investigation can be filed anytime online at titleixcoordinator@LCPS.org.
- You can contact the Division Title IX Coordinator at:
 - www.LCPS.org/TitleIX
 - 21000 Education Court
 - Ashburn, Virginia 20148
 - (571) 252-1548
 - TitleIXCoordinator@lcps.org

What is the Formal Title IX Complaint process?

Upon receiving a Formal Complaint alleging Sexual Harassment and requesting an investigation...

1. The Title IX Coordinator will work immediately with the Principal at your school to offer supportive measures to all Parties involved in the Complaint.
2. The Title IX Coordinator will review the Complaint and evaluate whether the allegations meet the definition of Sexual Harassment as defined in § 106.30 of the Title IX regulations.
3. If the incident rises to the level of Sexual Harassment, the Title IX Coordinator will issue Notice of Investigation, providing details of the allegation to the parties, and assign the case to a Title IX Investigator and the investigation begins.
4. If the incident does not rise to the level of Sexual Harassment, the Title IX Coordinator must dismiss the formal complaint under Title IX, and the matter will be referred to the school administrator for follow up and resolution.
5. The Title IX Investigator is responsible for contacting all the parties involved and witnesses and reviewing all relevant information related to the incident.
6. The Respondent is presumed "not responsible" for violating LCPS policy unless and until LCPS is able to gather sufficient evidence to show that a violation of policy has occurred.
7. After the Title IX Investigator is done gathering evidence, Parties are provided the opportunity to review and respond to the Investigation report prior to it being sent to a Decision maker.
8. Upon conclusion of the review process, the case is sent to a Decision Officer for final decision. Decisions are made by the preponderance of the evidence, more likely than not. Parties will receive a written decision based on the evidence.
9. Individuals who are found to have violated LCPS policy are subject to one or more of the following disciplinary actions/sanctions: removal of school privileges, restorative practice, after school detention, in school restriction, suspension out of school, long-term suspension, and/or expulsion.
10. Both Parties are entitled to an appeal process.

What can be done to support my child during the review of their complaint and any subsequent Title IX investigation?

- Supportive measures are available regardless of whether a formal complaint is filed. Supportive measures are individualized services that are reasonably available, non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, provide safety, or deter sexual harassment. For a list of potential supportive measures, please visit <https://www.lcps.org/Page/241073>

What rights does a student have during the Formal Title IX Complaint Process?

- The right to be treated with respect and dignity by LCPS school administrators.
- The right to Supportive Measures; nothing punitive until the process is completed.
- The right to be safe at school.
- The right to see all the evidence presented.
- The right to file a Title IX Complaint at any time.
- The right to have parents and an advisor present during meetings and interviews.
- The right to be free from retaliation.
- The right to have formal complaints resolved in accordance with LCPS Reg. 8035.
- To be informed in writing of the resolution of the complaint and any decision issued.

Where can I find more information about Title IX?

Please visit LCPS's Title IX Website at <https://www.lcps.org/TitleIX>.