

INTERIOR DESIGNERS INSTITUTE

Title IX

sex-based harassment and discrimination rules

What is Title IX?

Sex-based harassment means conduct on the basis of sex that satisfies one or more of the following:

- Unwelcome sexual conduct;
- Quid pro quo, when someone offers something to an individual in exchange for sexual conduct;
- Sexual assault as defined as dating violence, domestic violence or stalking;
- The Clery Act defines sexual assault as a forcible or non-forcible offense under the uniform crime reporting system of the FBI;
- The Violence Against Women Act (VAWA) is defined as dating violence committed by a person who has been in a social relationship of romantic or intimate nature with the complainant; domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the complainant; stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their own safety or to suffer substantial emotional distress.

How can a school determine sexual harassment?

If the sex-based harassment denies a person's right to equal access to its education programs or activities:

- an effective denial of equal access may include skipping class to avoid the harasser, a decline in student's grade point average or having difficulty concentrating in class;
- a complainant does not need to have already suffered loss of education before being able to report sexual harassment;
- an effective denial of equal access to education does not require that a person's entire educational access has been denied;
- no concrete injury is required to prove an effective denial of equal access;
- a complainant does not need to have dropped out of school, failed a class, had a panic attack, or otherwise reached a "breaking point" or exhibited specific trauma symptoms to be effectively denied equal access;
- if school officials turn away from a complainant deciding the complainant was "not traumatized enough", his/her action would be deemed impermissible.

Where sex-based harassment may occur?

The 2020 Amendments to Title IX apply reports of sex-based harassment in education programs and activities in the United States to the following settings:

- Buildings of other locations that are part of the school's operations, including remote learning platforms;
- Off-campus settings if the school exercised substantial control over the respondent and the context in which the alleged sex-based harassment occurred (e.g. a school field trip);
- Off-campus building owned or controlled by a student organization officially recognized by a postsecondary school, such as a building owned by a recognized group, or organization such as the ASID.

When sex-based harassment occurs?

The standard for evaluating sex-based harassment that occurred:

- by the notice of sexual harassment, school employees must be notified of allegations of sex-based harassment so the school may respond;
- a school may, at its discretion expressly designate specific employees as officials with the authority for purposes of Title IX inform students of such designations;
- employees may receive notice through an oral report, written report, personal observation, through a newspaper article or an anonymous report, or other various means by a complainant or anyone else of the sexual harassment.

Response to sex-based harassment by the school

A school must respond to allegations of sex-based harassment by:

- taking action in a prompt and timely manner that is not deliberately indifferent;
 - explaining to the complainant the process of filing a complaint;
 - addressing the action the school will take;
 - offering supportive measure to the respondent;
 - following the Title IX grievance process specified by the 2020 Amendments under Title IX.
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- **Note:** A school is free to make disciplinary and remedial decisions that it believes are in the best interest of its educational environment.

Filing a formal complaint

A formal complaint may be filed with the school's Title IX Coordinator in person, by mail, or by email, it must include:

- the complainant's physical or digital signature;
- if the student is under the age of 18 years, a parent or legal guardian must sign the formal complaint;
- the complainant has no time limit by which to file the complaint for review;
- the school must respond within a timely manner;
- the Complaint Form may be found on our website at www.idi.edu under the Title IX Disclosures tab.

IDI Contact for Title IX

Renee Robles, Financial Aid Administrator

Telephone: 949-675-4451

Email: renee@idi.edu

Address: 1061 Camelback St., Newport Beach, CA 92660