

Addressing Sexual Harassment Under Title IX

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What We Will Cover

- ❑ The definition of sexual harassment, both generally and under Title IX
- ❑ Legal liability for unaddressed harassment
- ❑ The principal's role in addressing sexual harassment

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How Did We Get Here?

Background: How We Got Here

- ❑ Title IX of the Education Amendments of 1972
 - ❑ Federal statute prohibiting sex discrimination by educational programs receiving federal funding
 - ❑ Enforced through a loss of federal funds, and also lawsuits by private parties
 - ❑ OCR (Dept. of Ed.) handles complaints
- ❑ Title VII prohibits discrimination in employment based on a number of characteristics, including sex (employees)
 - ❑ Enforced through lawsuits
 - ❑ EEOC handles complaints

Background: How We Got Here

- ❑ 1999: *Davis v. Monroe Co. Bd. of Educ.* SCOTUS holds district can be liable under Title IX for student-to-student sexual harassment if:
 - ❑ A person with authority has actual notice of conduct and is deliberately indifferent (*Gebser* standard); and
 - ❑ District has substantial control over the context in which the harassment occurs and over the harasser; and
 - ❑ The conduct is “so severe, pervasive, and objectively offensive” that it denies equal access to educational opportunities.

Where We Are Today

- ❑ 2020 revisions to Title IX provided an official definition of sexual harassment for Title IX in line with *Davis*:
 - “Conduct on the basis of sex that constitutes unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a student or employee equal access to the University’s education program or activity.”

Where We Are Today

- ❑ These regulations primarily focused on securing greater due process protections for individuals accused of sexual misconduct.
- ❑ Also changed the standard for schools being on notice of sexual misconduct claims
- ❑ Additional changes are coming soon (more on that later...)

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Sexual Harassment Generally

Understanding and Addressing Sexual Harassment

- ❑ If significant, sexual harassment can affect a student's ability to benefit from educational opportunities.
- ❑ Sexual harassment, if unaddressed, is a violation of law and can expose a school district to legal liability.
- ❑ Sexual harassment can happen to anyone.
 - ❑ Can result from any combination of sexes or sexual orientations
 - ❑ Adult ➤ Student or Student ➤ Student
- ❑ In student-to-student harassment, the basis of these claims is whether the conduct is unwelcome.

Examples

- ❑ Sexual advances
- ❑ Touching intimate body parts
- ❑ Coercing or forcing physical contact or an act that is sexual in nature;
- ❑ Jokes or conversations of a sexual nature
- ❑ Other sexually motivated conduct, communications, or contact.
- ❑ *All physical contact is not harassment.*

Physical Harassment

- Unwanted touching
- Touching or “messing with” with another person’s clothing
- Invasion of personal space
- “Accidental/on purpose” physical contact such as bumping or brushing against the person on purpose in a way that makes that person uncomfortable
- Unwanted affectionate gestures
- Forcing or coercing sexual or intimate contact



Verbal Harassment

- Discussing inappropriate things of a sexual nature
- Spreading rumors
- Suggestive sounds or sexual jokes
- Harassing another on the telephone or with electronic messages
- Insults, name-calling, or threats
- Verbal coercion or pressure to date or participate in other unwanted activities or behaviors
- Questions and comments about a person's sexual behavior or body



Non-Physical Non-Verbal Harassment

- Displaying sexually suggestive images or items
- Leering, staring, or ogling
- Gestures or lewd motions
- Mimicking or pantomiming sexual acts
- Exposing oneself



Example

- ❑ Two employees engage in consensual sexual contact in the employee breakroom. This conduct is inappropriate, but it is not sexual harassment if the conduct is not unwelcome by either party.
- ❑ However: this conduct would still likely be a violation of the Employee Code of Conduct and subject to discipline.
- ❑ Even if the conduct is welcome between the 2 employees engaged in the conduct, it may constitute sexual harassment for other employees who witness the conduct and find the conduct to be offensive.

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Sexual Harassment Under Title IX

Six Kinds of Sexual Harassment

- ❑ Six Types of Sexual Harassment
 - ❑ *Quid pro quo*
 - ❑ Hostile environment
 - ❑ Sexual assault, Dating violence, Domestic violence, or Stalking
 - ❑ Specific types of sexual harassment with different definitions established by law (Clery Act, Violence Against Women Act)

Sexual Harassment: Quid Pro Quo

- ❑ *Quid pro quo*: When an employee conditions favorable treatment on the acceptance of unwelcome sexual attention.
- ❑ This definition applies only to actions of employees.
- ❑ Unwelcome nature and severity of conduct is presumed.

Examples:

- ❑ Teacher offers good grades to student in exchange for sexually explicit photographs.
- ❑ Coach offers playing time for sexual contact.

Sexual Harassment: Hostile Environment

- ❑ New operating standard under 2020 guidelines for sexual harassment:
 - ❑ Unwelcome conduct that it is so SEVERE, PERVASIVE AND OBJECTIVELY OFFENSIVE that it effectively DENIES a person EQUAL ACCESS to the program.
- ❑ Changes are consistent with judicial interpretations, but a departure from prior OCR guidance.
- ❑ Can be student-to-student conduct or employee-to-student conduct.

Sexual Harassment: The Clery Act and VAWA

- ❑ The Clery Act and the Violence Against Women Act address four types of violence that are each considered forms of sexual harassment under Title IX:
 - ❑ Sexual Assault
 - ❑ Dating Violence
 - ❑ Domestic Violence
 - ❑ Stalking

Sexual Harassment: Sexual Assault

- ❑ Sexual assault: Forcible or non-forcible sexual offenses under the Uniform Crime Reporting System of the FBI.
- ❑ Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- ❑ Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is unable to consent (age, disability)
- ❑ Incest: Sexual intercourse between persons who are related to each other and unable to marry.
- ❑ Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

Sexual Harassment: Dating Violence

- ❑ Dating violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
 - ❑ Includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Sexual Harassment: Domestic Violence

- ❑ Domestic violence: A felony or misdemeanor crime of violence committed by:
 - ❑ a current or former spouse or intimate partner of the victim;
 - ❑ a person with whom the victim shares a child in common;
 - ❑ a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - ❑ a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
 - ❑ any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Sexual Harassment: Stalking

- ❑ Stalking: A course of conduct directed at a specific person that would cause a reasonable person to fear for personal safety of self or others; or to suffer emotional distress.
 - ❑ Course of conduct means two or more acts in which a stalker follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
 - ❑ Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.
 - ❑ Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

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Other Terminology

New Terminology from 34 CFR 106.30(a).

- Definition of Sexual Harassment
- Complainant
- Respondent
- Formal Complaint vs. "Report"
- Actual knowledge
- Substantial control
- Supportive Measures



Complainant

- ❑ This term always refers to the victim of sexual harassment, even if someone else is the one who made the complaint.
- ❑ Parent complains that Child is being harassed. Parent has made the complaint, but Child is the "complainant."
- ❑ Teacher reports that Student is being harassed. Teacher makes the Report, but Student is the "complainant."

Respondent

- ❑ This term refers to the person accused of sexual harassment.
- ❑ Note: these terms (Complainant, Respondent) apply even when there is a Report, but no Formal Complaint.
- ❑ Example: Mom complains that Billy is being harassed by a coach based on his sex. The Title IX Coordinator (T9C) meets with Mom and explains the Formal Complaint process. Mom does not want that. T9C also decides not to initiate Formal Complaint process.
- ❑ So there is no Formal Complaint, but there is a Report, and Billy is still the Complainant, and Coach is the Respondent.

Actual Knowledge

- ❑ This term is important because the school's duty to respond arises only when it has "actual knowledge" of sexual harassment, or of allegations of conduct that, if true, would be sexual harassment.
- ❑ The school has "actual knowledge" when any employee of the school—*other than the actual perpetrator of the harassment*—has actual knowledge.
- ❑ What has changed?
 - ❑ Previously, actual knowledge was imputed to the school only when it was known by someone who had the authority to address it.
 - ❑ Now, it is *any* employee.

Scenarios – Is there “actual knowledge”?

- ❑ My fellow teacher and drinking buddy confides in me that he’s been “fooling around” with a student. Makes sure she gets an A and a college recommendation.
- ❑ Custodian witnesses an act of sexual harassment in the bathroom.
- ❑ Student confides in a teacher’s aide about what happened on the school field trip.
- ❑ All three of these are examples of situations that, in the past, did not put the school on notice of “actual knowledge.” Now they do.

Substantial Control

- ❑ The school is not responsible for responding to allegations of sexual harassment unless the school had “substantial control” over the harasser and the “context.”
- ❑ Consider how this will be applied to:
 - ❑ extracurricular activities;
 - ❑ field trips;
 - ❑ out of town, overnight trips;
 - ❑ cyberbullying off campus.
- ❑ Scenario: Student engages in cyberbullying off campus and on the weekend.
 - ❑ Does the school have “substantial control”?
 - ❑ What about state law which gives schools the authority to discipline students for certain off campus cyberbullying?



Supportive Measures

- ❑ Non-disciplinary, non-punitive individualized services offered to Complainant or Respondent with no charge.
- ❑ Designed to “restore or preserve equal access to...the education program or activity without unreasonably burdening the other party.”
- ❑ Examples:
 - ❑ counseling,
 - ❑ extension of deadlines,
 - ❑ modification of schedule,
 - ❑ campus escort services,
 - ❑ mutual restrictions on contact,
 - ❑ leave of absence,
 - ❑ increased security/monitoring. 34 CFR 106.30.



Supportive Measures

- ❑ These measures must:
 - ❑ Be offered at no charge;
 - ❑ Be designed to maintain equal access to educational services;
and
 - ❑ Not unreasonably burden either party.
- ❑ The Respondent might be “burdened” but not “unreasonably burdened.”



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The Role of the Title IX Coordinator

Role of Title IX Coordinator (T9C) Overview

- ❑ Every district must have at least one, and that person must be designated as and identified as the “Title IX Coordinator” (T9C).
 - ❑ Must have authority to coordinate the school district’s compliance efforts.
 - ❑ May investigate complaints, but may not be the “decision maker.”
 - ❑ Must be referred to as the “Title IX Coordinator” in district policies and publications, including website.
 - ❑ A district must notify **all potential reporters** of sexual misconduct of the T9C’s contact information: name/title, office and email addresses, and telephone number.



Who is the PfISD Title IX Coordinator?

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Responding to Reports of Sexual Misconduct

Reporting and Responding

- ❑ Any person may report. Not just the alleged victim.
- ❑ A report can be verbal or written.
- ❑ Reports can be made by mail, by telephone, or by email at any time (business or non-business hours) to the Title IX Coordinator (T9C).
- ❑ The T9C may also receive a report from an employee of an elementary or secondary school who receives notice of sexual harassment or alleged sexual harassment: what we would consider *actual knowledge*.
- ❑ If the district has “actual knowledge” of “sexual harassment” it “must respond promptly in a manner that is not deliberately indifferent.”



Responding to a “Report”

- ❑ T9C must promptly contact a complainant to discuss:
 1. The Report
 2. Supportive Measures
 3. Process to file Formal Complaint
 4. Make an initial determination if all things are taken as true, does the allegation rise to Title IX Sexual Harassment.



Responding to a “Report”

- ❑ If the allegations **DO NOT** meet the definition of sexual harassment above, the Title IX Coordinator must dismiss the claim.
- ❑ The Campus is free to continue disciplinary action against the Respondent, if warranted, under the provisions of the SCOC.
- ❑ T9C must notify the Respondent and the Complainant in writing that the allegations have been dismissed for not meeting the threshold for sexual harassment and must also alert both parties to their opportunity to appeal the dismissal.



Dismissal Notice for Reports that Are Not Sexual Harassment

- ❑ Must document the rationale for the decision to dismiss
- ❑ Must detail why the dismissal is not a deliberately indifferent action
- ❑ Must be maintained for seven (7) years



Formal Title IX Investigation Process

- ❑ If a Formal Complaint is filed, the school must use the formal investigation process (different from process under FNG or DGBA)
- ❑ If the school intends to impose disciplinary sanctions for “sexual harassment” as defined in these regulations, the formal process must be completed before sanctions are imposed.
- ❑ The new regulations require Title IX investigations to provide multiple layers of notice to the parties of the investigation procedures.
 - ❑ Notice of filed complaint
 - ❑ Notice of conducting investigation
 - ❑ Notice of (and opportunity to provide questions in response to) investigation report
 - ❑ Notice of final outcome

Informal Resolution

- ❑ A school may choose to offer informal resolution options like mediation, as long as both parties give voluntary, informed, written consent to attempt informal resolution.
- ❑ Cannot require a party waive their right to investigation as a condition of enrollment or employment, and also may not require parties to participate in informal resolution.
- ❑ Schools cannot offer informal resolution until a formal complaint is filed and cannot ever offer informal resolution of allegations that an employee sexually harassed.
- ❑ Any party may withdraw from the informal resolution process and resume the grievance process at any point before an agreement is reached.



Report Meets Definition of Sexual Harassment

- ❑ T9C must discuss with the Complainant whether or not the Complainant wishes the allegations to be elevated to the level of a **Formal Complaint**.
- ❑ A Formal Complaint must be signed by the Complainant, BUT
- ❑ If Complainant does not wish to sign the complaint, the T9C can sign the complaint so as to elevate the allegations to a Formal Complaint.



Respecting the Complainant's Wishes

- While a complainant's wishes regarding filing a Formal Complaint should be considered, the T9C may need to initiate a Formal Complaint without the complainant's permission to make sure that the district is not responding to sexual harassment with deliberate indifference.



What about Emergency Removals?

- ❑ Title IX regulations restrict the use of “emergency removal” of a person from the educational program unless:
 - ❑ 1) there is an individualized safety/risk analysis;
 - ❑ 2) there is an immediate threat to the physical health or safety of the person to be removed or others; *and*
 - ❑ 3) the person removed is given notice and an opportunity to challenge the decision immediately after the removal.
- ❑ “Emergency removal” could include out of school suspension.
- ❑ But remember: this restriction applies only when the removal is based on allegations that meet the definition of “sexual harassment.”

Consider this....

- ❑ Dad calls A/P alleging his daughter was called a slut, and tapped on the backside by a boy during school hours, at the school. *This is a Report of conduct that is sexual in nature.*
- ❑ T9C offers supportive measures and informs Dad of the Formal Complaint process. (Could be campus level)
- ❑ Dad just wants the behavior stopped and does not file a Formal Complaint.
- ❑ Boy admits conduct, but conduct falls short of the Title IX definition of "sexual harassment."
- ❑ Stop Title IX actions and issue "no-finding" report. Discipline in accordance with Student Code of Conduct but do not call it sexual harassment.

But What if....

- ❑ After being informed of the process, Dad decides to file a Formal Complaint.
- ❑ “The recipient must investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in 106.30 even if proved.... then the recipient must dismiss the formal complaint for purposes of sexual harassment under Title IX or this part; such a dismissal does not preclude action under another provision of the recipient’s code of conduct.” 34 CFR 106.45(b)(3)(i).

But What if the Conduct Went Further....

- ❑ T9C meets with and offers supportive measures and informs Dad of the Formal Complaint process.
- ❑ During this meeting it is alleged that the boy is also leaving sexually explicit notes in the student's notebook, sending sexually suggestive text messages and tweets.
- ❑ Dad is not satisfied that supportive measures are enough and decides to file a Formal Complaint.

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DOCUMENTATION & WITNESS INTERVIEWS

Investigation Documentation

Consider at the outset what documentation your investigation may involve or require.

- Interview notes
- Witness statements
- E-mail communications
- Memos, reprimands, evaluations
- Video surveillance
- Voicemail messages, handwritten phone messages
- Text messages
- Social media posts
- Handwritten notes



Taking Notes – The Basics

- ❑ YOUR NOTES MAY BE SUBJECT TO PUBLIC INFORMATION REQUEST
 - ❑ Always note date, start/end time, persons present in interview
 - ❑ Quote exact language used by witness wherever meaningful
- ❑ RECORDINGS MAY BE SUBJECT TO PUBLIC INFORMATION REQUEST
 - ❑ If the interview is recorded, place the recording device in plain view.
 - ❑ NO SECRET RECORDINGS! It may not be unlawful, but secret recordings may affect your credibility and the credibility of the investigation.
 - ❑ Once recording, state the date, time, location, and names of persons present in interview.

Ordering of Interviews

- ❑ Interview the complainant first
 - ❑ Confirm what is being alleged or reported in greater detail
 - ❑ Identify witnesses and other sources of evidence
- ❑ Next, interview any witnesses identified by the complainant
- ❑ Interview any other individuals that you believe may have knowledge of the matter
- ❑ Interview the accused
 - ❑ You may need to interview the accused again if s/he provides additional witnesses/claims that require investigation.



Conducting the Interviews

- Interview all witnesses separately
- Explain the process and reason for the meeting
- Outline expectations of truthfulness and cooperation
- Consider underlying relationships
- Keep questions open-ended where possible
- Be factual – avoid implying accused is guilty or innocent or that a decision has already been made
- Do not offer confidentiality or anonymity as a condition of providing information
- Inform witness of right to be free from retaliation



Conducting the Interviews

- Be professional
- Don't give promises of confidentiality
- Maintain neutrality
- Ask open-ended questions
- Wait for the witness to answer; do not answer for witness
- Clarify terms used, *e.g.*, what is meant by "bullying" or "harassment"?
- Request that witness identify other witnesses / persons with knowledge
- Obtain a written statement
- Obtain copies of documents, e-mail communications, texts, online posts, etc. during interview



Confidentiality of Investigation

Each witness should be instructed not to discuss their interview or the details of the investigation with anyone.

- ❑ Given verbally during interview
- ❑ Given in writing during interview (employees may be required to sign acknowledgment of requirement)



Interviewing the Accused

- ❑ Make a checklist of the specific allegations to cover and supporting evidence collected.
 - ❑ For offenses like bullying, the District has a standard checklist to refer to.
- ❑ The accused is not entitled to legal or other representation during a witness interview.
 - ❑ District may allow the accused to have representation present
 - ❑ District may deny presence of representative and treat and employee's refusal as a failure to cooperate with an official investigation
- ❑ Criminal allegations → the accused may refuse not to respond.
 - ❑ Still, document attempts to communicate.



Interviewing the Accused

- ❑ Provide sufficient detail to allow accused to respond to the allegations
- ❑ Ask for names of other potential witnesses
- ❑ Address possible motives of accuser
- ❑ Remind accused about the prohibition on retaliation
- ❑ Do not:
 - ❑ Make promises about the investigation,
 - ❑ Identify other witnesses,
 - ❑ Give advice.

Indicators of Truth

May be considered in determining a witness's credibility:

- Corroboration from witnesses or other evidence
- A pattern of conduct similar to the type alleged, or complaints of similar conduct by others
- Inconsistent statements by same person
- Admissions
- Writings or verbal contacts by complainant discussing the allegations soon after event or incident in question
- Demeanor during interview
- Bias, interest, other motive
- Willingness to cooperate



Concluding the Investigation

- ❑ Verify allegations (including through corroborating statements) before relying on them to support your conclusions
- ❑ Review district policies, procedures and any other relevant documents
- ❑ Check with legal counsel regarding application of relevant law and recommended actions.

Concluding the Investigation

- ❑ If the investigation reveals that misconduct occurred:
 - ❑ Assess the severity
 - ❑ Take appropriate disciplinary action and document action under either Student or Employee Code of Conduct
 - ❑ End the misconduct or harassment, eliminate hostile environment
 - ❑ Encourage continued reports of concerning behavior
 - ❑ Provide notice of the investigation to the complainant/victim, as well as to the accused
 - ❑ Investigation concluded
 - ❑ Short statement of finding
 - ❑ Brief summary of action taken to address concerns



Drafting the Investigation Report

- ❑ The Title IX regulations require the drafting of an investigation report that is sent to both parties.
- ❑ Report should not contain witness names if avoidable
- ❑ Report should conclude whether the allegations were substantiated or not
- ❑ Restate the specific allegations and the steps taken to investigate the complaint. Also include:
 - ❑ Summary of evidence
 - ❑ Response of the accused
 - ❑ Factual findings
 - ❑ Recommended action and follow up



Determination of Responsibility

- ❑ The school's decision-maker in a Title IX proceeding cannot be the T9C or any investigator of the allegations.
- ❑ The decision-maker must issue a written determination of responsibility with:
 - ❑ Findings of fact;
 - ❑ Conclusions about whether the misconduct occurred;
 - ❑ Explanations of each conclusion; and
 - ❑ Any disciplinary sanctions or remedies being enacted
- ❑ Written copy of determination must be sent simultaneously with information on filing an appeal.



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Employees' Role in Responding to Reports of Sexual Harassment

DUTY TO MITIGATE EFFECTS OF HARASSMENT

- ❑ Once the District has actual notice of harassment, the District has the duty to address the effects of the harassment.
- ❑ Failure to address harassment after actual knowledge can lead to legal liability.
- ❑ All have a responsibility to ensure everyone on their campus understands obligations under Title IX

If You Observe Sexual Harassment

- Identify the specific behavior and direct the perpetrator to stop it immediately.
- Report the conduct to the campus or District T9C as appropriate. Who is that?
- Follow district policy for addressing sexual harassment. Which policy?
- DON'T IGNORE IT!!**

If Sexual Harassment is Reported to You

- Listen to the student.
- Do not promise confidentiality.
- Ensure the student is currently safe.
- If you have reasonable cause to believe child abuse has occurred, report it within 48 hours.
- Report conduct to the campus or District T9C.
- Follow directives from campus or District T9C regarding next steps.



Principals Must Ensure...

- ❑ Everyone on their campus is aware of District policies governing sexual harassment
 - ❑ DIA & FFH: Freedom from Discrimination, Harassment, & Retaliation
 - ❑ FFI: Freedom from Bullying
- ❑ Students and staff know when and how to report sexual harassment (supervisor, T9C)
- ❑ Any staff likely to be involved in an investigation of sexual misconduct are up-to-date on training for Title IX
 - ❑ T9C, APs, coaches, counselors
- ❑ Campus response to report is coordinated and in accordance with notice requirements under Title IX
- ❑ Cooperation with law enforcement, when necessary.



Just as an FYI.....

- ❑ On July 12, 2022, The Dept. of Education released proposed NEW regulations to replace the current Title IX regulations (not to be confused with new rules for athletics, released April 6, 2023)
- ❑ Significant potential changes:
 - ❑ Extending rules to apply to all sex discrimination, not just sexual harassment
 - ❑ Sex discrimination would include LGBTQI discrimination and pregnant students
 - ❑ Would change definition of hostile environment to “unwelcome sex-based conduct that is sufficiently severe *or* pervasive, that, based on the *totality* of the circumstances and evaluated *subjectively and objectively*, denies or limits a person’s ability to participate in or benefit from the recipient’s education program or activity.”



Just as an FYI.....

- ❑ Other potential changes
 - ❑ Would expand definition of program or activity to require districts to address sex-based conduct in situations *outside* the education program if the district has “substantial control” over both parties at the time
 - ❑ Would allow Title IX Coordinator to serve as both investigator and decisionmaker
 - ❑ Limit grounds for appeal
 - ❑ Require consultation with ARD committees to maintain compliance with IDEA and Section 504
- ❑ Final changes were expected to take effect for the 2023-2024 school year, but are not yet finalized.



Just as an FYI.....

- ❑ And those proposed athletics rules, released April 6, 2023:
 - ❑ Focused on providing clarity around eligibility of transgender students for athletic participation
 - ❑ Would prohibit “one-size-fits-all policies” that plainly ban transgender students from participating on teams consistent with their gender identity
 - ❑ Would require “flexibility” in eligibility policies accounting for differences in grade and education level, level of competition, and sports must be taken into account for any eligibility criteria that would restrict transgender students from participating on teams consistent with their gender identity.
 - ❑ Likely will promote different rules for elementary, middle, and high school competition
 - ❑ Will require schools to minimize harm to students who may be limited or prohibited in participating on teams consistent with their gender identity
- ❑ Final changes were expected to take effect for the 2023-2024 school year but are not yet finalized.



Remember!

- Everyone has a duty to report sexual harassment.
- Everyone shares the duty to mitigate the effects of sexual harassment.
- All have a duty to be sure students have a safe place to learn.

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