



**GAINESVILLE  
ISD TITLE IX  
CAMPUS  
ADMINISTRATOR  
HANDBOOK**

**2024–2025 School Year**

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# **THE CAMPUS ADMINISTRATOR'S ROLE IN TITLE IX COMPLIANCE**

Campus administrators have an important function in ensuring GAINESVILLE ISD's compliance with Title IX of the Education Amendments Act of 1972 (Title IX). Title IX prohibits discrimination on the basis of sex, including sexual harassment, in GAINESVILLE ISD's education programs and activities. As a campus administrator, you play a key role in preventing sexual harassment on GAINESVILLE ISD's campuses as well as ensuring that allegations of sexual harassment are properly reported and addressed. Campus administrators also are a vital part of GAINESVILLE ISD's Title IX Grievance Process. Not only must you ensure that all known or suspected sexual harassment is reported to the Title IX Coordinator, but you also provide a valuable connection to the campus, your students, and staff for the Title IX Coordinator and Title IX Investigators.

Your campus will need to oversee the effective implementation of supportive measures the Title IX Coordinator has decided will be in place for the Complainant, the person who experienced the alleged sexual harassment, and the Respondent, the person reported to be the perpetrator of alleged sexual harassment. The campus should continue implementing these supportive measures until the Title IX Coordinator provides notice that they should cease. You will also need to regularly check in to verify that the supportive measures are working to stop any harassment and help restore or preserve access to equal educational opportunity. You should regularly ask each party receiving supportive measures whether they are experiencing any negative impacts at school or if they need additional supports. If they respond affirmatively or you notice a party is still struggling at school despite the measures in place, you must promptly notify the Title IX Coordinator and work with the Title IX Coordinator to implement any necessary modifications to the supportive measures that the Title IX Coordinator determines are necessary.

During any Title IX investigation, the Investigator will likely request access to campus documents. You should work with the Investigator to gather and deliver requested documents in a timely manner, understanding the District has a responsibility to provide a prompt resolution to a Formal Complaint of sexual harassment. Likewise, you may be asked to coordinate interviews with your students or staff. It is important to remember that you may not require a witness to participate in a Title IX investigation and may not discipline a witness for failing to do so. You also may not prohibit a Complainant or Respondent from speaking with others regarding the Title IX investigation.

Ultimately, your insights regarding the internal workings of your campus will be invaluable to the Title IX Investigator's ability to identify and gather all relevant evidence. If you believe a document, witness, or other evidence is relevant to a Formal Complaint, promptly notify the Investigator.

If, at any time during the Title IX Grievance Process, you believe a student involved presents an immediate threat to the physical health or safety of others with respect to the sexual harassment allegations, you must promptly notify the Title IX Coordinator. The Title IX Coordinator or designee will conduct an individualized safety and risk assessment and, if the assessment finds the student poses such an immediate threat, the Title IX Coordinator will notify you that the campus may remove the student on an emergency basis.

If an employee is the Respondent, you will work with the Title IX Coordinator and Employee Relations to ascertain whether administrative leave with pay is necessary during the Title IX Grievance Process.

You will inevitably field questions from concerned staff members, students, and parents who are involved in or aware of the Title IX Grievance Process, including the investigation. You should reassure these individuals of the impartiality and thoroughness of the District's Title IX Grievance Process and refer further questions to the Title IX Coordinator. Avoid any appearance of prejudice, remembering the Respondent is presumed to be not responsible for sexual harassment until after a Decisionmaker issues a written Determination of Responsibility that finds the Respondent responsible for the allegations and the Title IX Grievance Process ends.

At the conclusion of the Title IX Grievance Process, you will work closely with the Title IX Coordinator to implement any disciplinary sanctions or corrective measures imposed. Those measures must end the harassment and restore or ensure the continuation of the parties' equal access to the District's education programs and activities, and can, but are not required to, include punitive and disciplinary measures against a Respondent.

## **EDUCATING CAMPUS PERSONNEL**

Campus administrators need to ensure all campus personnel know how to identify and report sexual harassment. While students are encouraged to report any instance of sexual harassment, they may often attempt to conceal it. All employees need to understand how to identify potential sexual harassment and signs a student may be experiencing sexual harassment when they see them. Students who experience sexual harassment may react in different ways. In general, employees should look out for changes in students' behaviors, such as a student becoming increasingly withdrawn or disruptive. Sudden changes to a student's personality may be a signal the student is experiencing sexual harassment. Employees should also be mindful of students using sexual language inappropriate

for their age and exhibiting fear of or generally attempting to avoid specific individuals. Employees and administrators are not required to ask a student exhibiting changes in behavior the reasons for the change; the employee can report the concern to their supervisor and the Title IX Coordinator, who will follow up with the student.

The knowledge of sexual harassment or allegations of sexual harassment by any school district employee triggers the District's duty to respond. It is paramount that your staff understands how to report allegations of sexual harassment. This includes providing them with information about how to recognize and respond to sexual harassment. To facilitate this goal, employees should receive training at least once a year regarding what constitutes sexual harassment and how to report it. Additionally, contact information for the Title IX Coordinator should be provided to all employees with a reminder that all information is located on the District website for easy access: <https://www.dallasisd.org/titleIX>. Staff members should also receive training and guidance on how to create an environment where students feel safe to share their experiences and respond when they do so.

Beyond simply ensuring all employees know what to report and to whom, you must emphasize that reporting is a requirement of employment with the District. Employees should understand they may be the only one who knows of the sexual harassment and thus the only one able to help the student experiencing it. There is a concept known as the "bystander effect," in which an employee does not report because they assume someone else has already done so. The bystander effect is a particularly acute barrier to reporting and responding to allegations of sexual harassment. Employees should be cautioned against assuming that someone else has already reported. Filing multiple reports for the same event is much preferred to no reports at all.

Employees need to be reminded that in addition to reporting sexual harassment to their supervisor and the Title IX Coordinator, there may be additional reporting obligations including to law enforcement or, if it involves child abuse or neglect, to Child Protective Services.

Finally, be sure to caution your employees that while they may feel that keeping a student's confidence is the best way to help, the only way to help the student is to report. Employees must be a student's voice when the student is too afraid or otherwise reluctant to speak for themselves.

## **EDUCATING STUDENTS AND PARENTS**

Students should receive ongoing, age-appropriate education regarding sexual harassment. In particular, students should learn about consent—a concept crucial for everyone to understand. Students also should learn that actions can be interpreted as sexual harassment, even if not intended. For example, what one intends to be friendly jokes can be interpreted as bullying, and what one intends to

be flirting can be interpreted as sexual harassment. This teaching will help students identify when they are experiencing (or being the perpetrator of) sexual harassment.

The school should foster proactive and positive communications with parents regarding sexual harassment topics discussed with students. Communications with parents should include signs that their child may have experienced sexual harassment and who to contact if they suspect sexual harassment has occurred.

**Remember**, under District policy EMB (Legal), parents may request their child not participate in discussions relating to sexual harassment if such discussions conflict with parents' religious or moral beliefs.

The more students understand what conduct is inappropriate and constitutes sexual harassment, the more they will understand what conduct they should report. Students should also understand how they can be allies for other students who may have experienced sexual harassment but not reported it.

Students are more likely to report sexual harassment in an environment that feels safe. When discussing sexual harassment with students, emphasize they can report to any District employee they feel most comfortable with and may report anonymously. Students should also understand their right to receive supportive measures designed to deter and prevent sexual harassment and restore equal access to the District's programs and activities. Students should be provided information regarding the types of supportive measures that may be available to them. Students must be advised that they will not experience any retaliation for reporting sexual harassment—reporting is encouraged, not punished. Overall, it is essential to help students understand that reporting sexual harassment is necessary not simply to punish a wrongdoer but also to help the person who experienced sexual harassment receive an education without barriers.

# IDENTIFYING SEXUAL HARASSMENT

## WHAT IS SEXUAL HARASSMENT?

**Quid Pro Quo**: A school employee conditioning an educational benefit or service (such as a higher grade or foregoing discipline) on an individual's participation in unwelcome sexual conduct ("this for that").

**All conduct between a student and employee is presumed unwelcome.** Quid pro quo harassment may not always be obvious. The employee does not have to explicitly state that the educational benefit or service (such as the higher grade) is conditioned on engaging in sexual conduct. A quid pro quo may be implied from the circumstances, including the student's age and status in relation to the employee.

**Hostile environment**: Unwelcome conduct determined by a reasonable person to be so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access to a school's educational program or activity.

Whether conduct is "severe" is based on the nature of the conduct. It is a qualitative assessment. Whether conduct is "pervasive" depends on the duration of the harassment or the number of instances of misconduct during a particular time frame. It is a quantitative assessment. "Pervasive" conduct is unwelcome conduct that continues for an extended period. "Pervasive" conduct can also be unwelcome conduct that frequently occurs over a shorter period. In some cases, pervasive conduct may be widespread conduct, even if it technically occurs only once (for example, a social media posting simultaneously shared with multiple participants). "Objectively offensive" means that a reasonable person would believe the conduct is offensive. This inquiry does not focus on the subjective feelings of the individual who allegedly experienced the harassment. An isolated incident, if sufficiently severe and objectively offensive, may meet this definition of harassment.

Examples of hostile environment sexual harassment include sex-based, derogatory, or sexist remarks; rumors regarding a student's sexuality or sexual history; hazing or otherwise "ganging up on" students who do not conform to gender stereotypes; and obscene phone calls, texts, emails, or social media posts.

**Sexual Violence**: Sexual assault, dating violence, domestic violence, or stalking as defined under the Clery Act and the Violence Against Women Act. This includes stalking, rape, fondling, and statutory rape by any individual and any acts of violence committed by a person with whom the victim is in a romantic or other domestic relationship.

## WHO ENGAGES IN SEXUAL HARASSMENT?

Perpetrators of sexual harassment can be male or female and any age. Simply because the Complainant (the alleged victim) and the Respondent (the reported perpetrator) are of the opposite sex does not make the conduct sexual harassment. It is important to remember that sexual harassment may occur when the Complainant and the Respondent are the same sex.

## WHERE DOES SEXUAL HARASSMENT OCCUR?

To be covered by Title IX, alleged sexual harassment must occur in the District's education programs or activities. The District must have substantial control over the alleged harasser and the context in which the harassment occurred. This may include events that occur off District property, such as athletic games/practices, student organization competitions/events, District-provided transportation, field trips, and virtual learning environments.

You should also be mindful of sexual harassment that may not initially occur in the District's programs or activities but results in further sex-based harassment on your campus. For example, sexual harassment may occur at a private party or on private social media. Suppose students begin showing videos at school regarding the event, reviewing the social media at school, or harassing or gossiping about students shown on the video at school. In that case, that *additional* harassment may trigger the District's need to respond.

**Err on the side of caution and report all known or suspected sexual harassment to the Title IX Coordinator for evaluation** regardless of geographic location. Even if no additional sex-based harassment occurs at school, supportive measures and even consequences under non-Title IX policies and codes of conduct may be appropriate for off-campus sexual harassment.

# REPORTING SEXUAL HARASSMENT

## INTERNAL REPORTING REQUIREMENTS

All District employees who suspect or know that a student has experienced or is experiencing sex-based misconduct, including sexual harassment, sexual assault, and sexual violence, must promptly report the information to their supervisor and the District's Title IX Coordinator, La Creasha Stille. All District employees should as soon as possible, but no later than 24 hours after they suspect or know a student has experienced sexual harassment.

Campus administrators are often the supervisors who receive reports of known or suspected sexual harassment. Although all campus employees must also report sexual harassment to the Title IX Coordinator, as a campus administrator, you must forward every report you receive—whether directly from one of the parties involved, a member of your staff, or another third party—to the Title IX Coordinator. Additionally, you must submit any report you receive to the District's Hotline.

**Gainesville ISD's Title IX  
Coordinator**  
La Creasha Stille  
[lstile@gainesvilleisd.org](mailto:lstile@gainesvilleisd.org)  
940.668.3632

## EXTERNAL REPORTING REQUIREMENTS

Title IX may overlap with child abuse reporting requirements under Texas law. Where you know of or suspect sexual abuse of a student, you must report the information within 48 hours. This duty to report is non-delegable.

In addition to District reporting requirements, the following reporting requirements should be followed:

- For alleged criminal conduct, a law enforcement agency such as the Gainesville Police Department (nonemergency) at 940-668-7777
- For alleged abuse and neglect, the Cooke County CPS Office at 940-665-9315
- For alleged abuse or neglect, the Child Protective Services division of the Texas Department of Family and Protective Services, at 800-252-5400 or online at [www.txabusehotline.org](http://www.txabusehotline.org)
- If the child has an injury or the child's life is in imminent danger, 911

**Remember:** Upon reporting an allegation of abuse or neglect that involves a District employee to CPS or law enforcement, contact LaCreasha Stille in Human Resources.

Where the sexual harassment concerns an inappropriate relationship between a student and employee, the District also must report to the Texas Education Agency (TEA) and the State Board for Educator Certification (SBEC).

# THE GRIEVANCE PROCESS FOR TITLE IX SEXUAL HARASSMENT

Title IX's implementing regulations require that school districts use a specific board policy and grievance process in every case in which any employee has actual knowledge of conduct that could be "Title IX sexual harassment" in a program or activity and against a person in the United States. This process must be followed even though discipline for the conduct could be imposed under other state or federal laws, the Student Code of Conduct, or Board policy.

## KEY TERMS

**Complainant:** The person who has experienced the alleged conduct that could constitute sexual harassment. The alleged victim is the "Complainant" whether or not a Title IX Formal Complaint is on file.

**Respondent:** The individual reported to be the perpetrator of the conduct that could constitute sexual harassment. The alleged perpetrator is the "Respondent" whether or not a Title IX Formal Complaint is on file. (Under the Title IX regulations, there is a presumption that the Respondent is not responsible.)

**Formal Complaint:** The written and signed document containing the allegations of sexual harassment, signed by the Complainant, their parent/legal guardian, or the Title IX Coordinator. GAINESVILLE ISD provides a written document that can be used as a Formal Complaint, "Title IX Discrimination Complaint Form," which can be located at <https://www.gainesvilleisd.org>.

**Title IX Grievance Process:** GAINESVILLE ISD's process required by the 2024 Title IX regulations to address Formal Complaints of Title IX sexual harassment, which includes a Title IX Investigation, a Determination of Responsibility, and right for the Complainant and Respondent to appeal.

**Determination of Responsibility:** The written decision prepared by the Title IX Decisionmaker based on the report from the Title IX Investigation that determines whether the Respondent is responsible or not responsible for the allegations of sexual harassment in the Formal Complaint.

## THE TITLE IX TEAM

GAINESVILLE ISD's Title IX Compliance works to provide equal educational opportunity for all GAINESVILLE ISD students and to prevent, detect, and respond to reports of sex discrimination or sexual harassment in the District's education programs and activities. **La Creasha Stille**, serves as the District's **Title IX Coordinator**. You may contact Mrs. Stille via email at [lstile@gaiensvilleisd.org](mailto:lstile@gaiensvilleisd.org) or by phone at 940-668-3632. Mrs. Stille coordinates and facilitates the District's response to reports of sexual harassment and manages and oversees the Title IX Grievance Process.

**Title IX Coordinator**  
**La Creasha Stille**

**Campus  
Coordinators**  
**April Waggoner**  
**Ruben Dominguez**  
**Amy Allen**  
**Claudia Brito**  
**Josh Kelly**  
**Dave Glancy**

**Informal Resolution  
Facilitator**  
**Josh Kelly**  
**Claudia Brito**

**Title IX Decisionmaker**  
**Dana Dudenhoeffer**

## THE TITLE IX GRIEVANCE PROCESS

When the District has notice of alleged Title IX sexual harassment, it must use the Title IX Grievance Process to respond. Under that process, the District must treat Complainants and Respondents equitably and may only offer non-punitive supportive measures prior to the completion of the process. Only after the District issues a Determination of Responsibility at the conclusion of the process can the District issue a disciplinary sanction for the allegations of Title IX Sexual harassment.

This can often be confusing because other laws and policies also appear to provide a method for addressing sex-based misconduct. For example, issues related to student discipline are generally governed by Chapter 37 of the Texas Education Code, the District's Student Code of Conduct, and Board policy. Chapter 37 covers types of student discipline such as removal by a teacher, suspension, expulsion, and placement in a disciplinary alternative education program ("DAEP"), among others. A school's response to allegations of sexual harassment covered by Title IX, however, is an exception to the general requirements of Chapter 37 and other laws and conduct codes.

When addressing students who allegedly engaged in sexual harassment as defined by Title IX, a conflict may arise between GAINESVILLE ISD's normal student discipline processes (that might provide for discipline for the student's behavior) and the requirements of Title IX (that prohibit discipline until after the conclusion of the Grievance Process). Generally, when a conflict arises, the Title IX regulations

will take priority. In such circumstances, you should contact the Title IX Coordinator to assess how to best handle the situation.

This section provides a summary of the Title IX Grievance Process. The full Title IX Grievance Process is available in District Policy FFH (Local), FFH (Legal), and the Title IX Grievance Process manual.

### **Emergency Removal or Administrative Leave for Respondents**

Because a Respondent cannot be subjected to discipline or punitive sanctions until the Title IX Grievance Process ends with a finding of responsibility for the alleged sexual harassment, a Respondent should not be removed from or prevented from participating in any program or activity of the school before the process ends. For student Respondents, this includes removing the student from school, classes, transportation, extracurricular activities, student government, or sports teams prior to the completion of the Title IX Grievance Process.

Limited exceptions allow removal of a Respondent from the school environment or specific events and activities before the Title IX Grievance Process ends. For student Respondents, the District may be able to remove the student through an emergency removal. For employee Respondents, the District can remove the employee using its generally applicable administrative leave processes.

**Student Respondents:** Emergency removal of a student Respondent may only occur when the District determines, based on an individualized safety and risk assessment, that removal is justified due to an **immediate threat to the physical health or safety of a student or other individual arising from the allegations of sexual harassment**. Only if this individualized analysis determines that the Respondent poses an imminent threat to the physical health or safety of a student or other individual arising from the allegations of sexual harassment may the student be removed from the campus.

The Title IX Coordinator will coordinate the individualized safety and risk assessment but will require your assistance to facilitate the emergency removal, if deemed necessary. Emergency removal under Title IX must comply with due process requirements as well as the Individual with Disabilities Education Act (“IDEA”) and Section 504 of the Rehabilitation Act of 1973. If the District decides to remove the Respondent from the campus, the Title IX Coordinator will notify the Respondent of the emergency removal decision.

Emergency removal is not intended as a disciplinary sanction and is not designed to impose interim suspension or expulsion or to penalize a student Respondent. Such removals are reserved for high-risk circumstances where it is necessary to protect the physical health or safety of any student or individual to whom the Respondent poses an immediate threat. Student Respondents may immediately challenge this removal, and if successful, should be welcomed back to your campus.

Be prepared to inform the Respondent's teachers and others with a legitimate educational interest about the emergency removal. You should take care only provide as much information as is necessary. You may also need to alert campus security regarding the Respondent's prohibition from being on campus.

**Employee Respondents:** A Respondent may also be an employee. In appropriate circumstances, the District may determine to place the employee Respondent on administrative leave with pay. This may include placing the employee on paid administrative leave during the Title IX Grievance Process. The Title IX Coordinator will make and communicate the administrative leave decision. You should continue to work closely with Title IX Coordinator as you would with any other employee administrative leave matter and keep the Title IX Coordinator up to date on the employee's status.

### **Complainant Meeting**

Upon receipt of a report of Title IX Sexual Harassment, and regardless of whether a Formal Complaint has been filed, the Title IX Coordinator must respond by reaching out to the Complainant to schedule an initial meeting. At the initial meeting, the Title IX Coordinator must offer the Complainant supportive measures and advise of the right to file a Formal Complaint. The Title IX Coordinator will discuss possible supportive measures with the Complainant and their parent/legal guardian and consider the Complainant's wishes. The Title IX Coordinator will also explain the District's Title IX Grievance Process to the Complainant.

If the Complainant files a Formal Complaint, this triggers the Title IX Grievance Process. If the Complainant does not file a Formal Complaint, under certain circumstances, the Title IX Coordinator may file a Formal Complaint on behalf of the District. If no Formal Complaint is filed, the Title IX Grievance Process ends.

Regardless of whether a Title IX Discrimination Complaint Form is submitted, the Complainant is entitled to receive supportive measures from the District before, during, and even after the conclusion of the Title IX Grievance Process. (In contrast, supportive measures should be provided to the Respondent only after a Formal Complaint has been filed; see the "Respondent Notification" section below for more information.)

**Remember:** Keep all supportive measures confidential from those who do not have a legitimate educational interest in the knowledge. For the Complainant, disclosure also may violate the District's and your obligations under FERPA. Until a Formal Complaint is filed, the District should maintain the confidentiality of the Complainant's identity from the Respondent and third parties. If supportive measures require notification of the Respondent or a third party for adequate implementation, the Complainant and their parents/guardians should be notified and consent to the disclosure.

## Selecting Supportive Measures

Supportive measures are non-disciplinary, nonpunitive individualized services that are designed to restore or preserve a student's access to the District's education programs or activities, protect the safety of all parties, and deter further sexual harassment.

Examples of supportive measures include:

<b>Academic</b>	<b>Emotional/Wellness</b>	<b>Safety/Security</b>
<ul style="list-style-type: none"><li>• Deadline extensions</li></ul>	<ul style="list-style-type: none"><li>• Counseling</li></ul>	<ul style="list-style-type: none"><li>• Mutual no contact order</li></ul>
<ul style="list-style-type: none"><li>• Schedule modification</li></ul>	<ul style="list-style-type: none"><li>• Excused absences</li></ul>	<ul style="list-style-type: none"><li>• Escort between classes</li></ul>
<ul style="list-style-type: none"><li>• Tutoring</li></ul>	<ul style="list-style-type: none"><li>• Referrals to medical care</li></ul>	<ul style="list-style-type: none"><li>• Changes to class seating</li></ul>
<ul style="list-style-type: none"><li>• Ability to retake courses/redo assignments</li></ul>		<ul style="list-style-type: none"><li>• Assignments to certain routes/bathrooms/cafeteria locations</li><li>• Increased monitoring</li></ul>

The Title IX Coordinator will coordinate with you as the campus administrator regarding the supportive measures offered and put in place. The Title IX Coordinator will facilitate the implementation of supportive measures. The Title IX Coordinator may ask you to inform the student's teachers or other campus staff, as necessary, about the supportive measures.

## Initial Implementation of Supportive Measures

The Title IX Coordinator will make final decisions regarding what supportive measures to offer and implement. Your knowledge of your campus and its students can help make supportive measures successful. Successful supportive measures are individually tailored and require significant thought to meet the needs of specific individuals and circumstances of a case. Every Title IX complaint is different. The Title IX Coordinator will work with campus personnel to identify the unique needs of the student based on their age, their support systems, and the type of harassment alleged.

In deciding what measures to implement, it is helpful to ask the following questions:

- What are the ages of the parties?
- What is the past relationship between the Complainant and Respondent? How may this impact their future social lives/shared friends?
- Where did the harassment happen? Can that location be avoided?
- Is one student fearful of the other?
- Has the student shown signs that his or her grades will be impacted by the alleged harassment?
- What kind of support systems does the student have?

These questions will help the Title IX Coordinator and campus administrators evaluate the circumstances to provide appropriate safety, academic, and emotional support throughout the Title IX Grievance Process. Your insights will help the Title IX Coordinator make the best decision as to what supportive measures the District should provide.

In addition, communication and coordination with the student regarding the available and implemented supportive measures gives the student a sense of control and allows them to guide what measures are put in place to restore access to equal educational opportunities.

### **Monitoring and Modifying Supportive Measures**

Supportive measures may work preliminarily and the parties may appear to respond positively to the measures put in place. But a party's response and reaction to sexual harassment can change over time and the effectiveness of the initial supportive measures may fade. The Title IX Coordinator is responsible for not only selecting the supportive measures but also for ensuring their effectiveness. Periodically, the Title IX Coordinator will contact you and the student to inquire about the supportive measures and make modifications where necessary to continue to protect and promote student safety, end or deter further harassment, and restore a student's equal access to the District's education programs and activities.

Between those periodic check-ins, building administrators should verify compliance with supportive measures and confirm that campus personnel are accurately implementing the measures. Campus personnel should be on the lookout for any need to modify supportive measures or to enhance or add to existing supportive measures to ensure the measures are as effective as possible throughout the Title IX Grievance Process. Check in with the Complainant and

Respondent on a regular basis to assess the continued success of supportive measures. Campus personnel should communicate with the Title IX Coordinator regarding any perceived need for modifications of, or additions to, the supportive measures offered to the parties. If a party comes to you to request a change to existing supportive measures, promptly contact the Title IX Coordinator to explain the problem and work to find a resolution.

You must promptly communicate with the Title IX Coordinator if you have any indication that a supportive measure is not effective. Examples of red flags include as an increase in absences, falling grades, and evidence of ongoing harassment or bullying. Keep an open line of communication with the student's teachers and emphasize the need for them to keep you informed of any changes they notice with the student.

For example, if the Title IX Coordinator decides to implement a mutual no contact order for the parties, you should monitor the students to verify compliance with that order, including communicating with District employees who supervise the students. If a student fails to comply with the order, promptly communicate this to the Title IX Coordinator, who may address the issue with a modification. The failure to follow the order also may necessitate discipline through your normal campus discipline policies or the Student Code of Conduct. Consider whether the failure to comply with the order has led to any impact on the other party, and communicate that information to the Title IX Coordinator.

When communicating with any Complainant or Respondent regarding supportive measures, avoid any appearance of bias or pre-judgment toward either party. Trust and communication are key to gaining a full picture of how a party is being affected.

### **Formal Complaint**

GAINESVILLE ISD provides a written document that can be used as a Formal Complaint, "Title IX Discrimination Complaint Form," which can be located at <https://www.gainesvilleisd.org>. Any written document, including a hard copy or electronic document, that contains the Complainant's (or their parent/legal guardian's) physical or digital signature or otherwise indicates that the Complainant (or their parent/legal guardian) is the person filing the Formal Complaint is sufficient. For example, an email from a student to the Title IX Coordinator that ends with the student signing their name would suffice.

### **Respondent Notification**

Under Title IX, a Respondent is the alleged perpetrator of conduct that, if true, may constitute sexual harassment. Upon receipt of a Formal Complaint alleging sexual harassment, the Title IX Coordinator will notify the Respondent that a Formal Complaint has been filed and summarize the allegations in the Formal Complaint.

The Title IX Coordinator will also explain the District's Title IX Grievance Process to the Respondent.

There is a **presumption that the Respondent is not responsible** for the allegations of sexual harassment in the formal complaint until a final determination of responsibility is made at the conclusion of the Title IX Grievance Process. All District actions throughout the Title IX Grievance Process must proceed with this presumption of non-responsibility.

A Respondent may be a student or a District employee, and this will determine how the Title IX Coordinator handles the case.

**Student Respondents:** Like Complainants, student Respondents are entitled to supportive measures. Supportive measures must be non-disciplinary and nonpunitive. The District must not discipline or punish the Respondent for the allegations of sexual harassment until a final determination is reached that the Respondent is responsible for the alleged sexual harassment and the Title IX Grievance Process concludes.

The Title IX Coordinator will discuss possible supportive measures with the Respondent and their parent/legal guardian. The Title IX Coordinator will coordinate with you as the campus principal regarding the supportive measures offered and put in place. The Title IX Coordinator will facilitate the implementation of supportive measures. The Title IX Coordinator may ask you to assist in monitoring the implementation of supportive measures and ask you to inform the Respondent's teachers or other campus staff, as necessary, about the supportive measures.

**Remember:** Keep all supportive measures confidential from those who do not have a legitimate educational interest in the knowledge, as disclosure may violate the District's and your obligations under FERPA.

The Title IX Coordinator is responsible for not only selecting the supportive measures but also for ensuring their effectiveness. Periodically, the Title IX Coordinator will contact you and the Respondent to inquire about the supportive measures and make modifications where necessary.

## **Investigation**

Once a Formal Complaint is filed, the Title IX Grievance Process and Title IX Investigation begin. When the Title IX Investigator completes the Title IX Investigation Report, a Decisionmaker issues a Determination of Responsibility, finding the Respondent did or did not engage in the alleged conduct. As part of this decision, the Decisionmaker will recommend any disciplinary sanctions necessary and remedies available. Either party may appeal the Determination of

Responsibility. A different individual, identified as an Appeal Officer, reviews any appeal in the Title IX Grievance Process. Because of the nature of what is required under the 2020 Title IX regulations, it would not be unusual for the Title IX Grievance Process to last several months.

The campus may not discipline any student for alleged sexual harassment until the District's Title IX Grievance Process concludes. After the process concludes, the Title IX Coordinator will work with the campus to implement any necessary disciplinary action or corrective measures.

## **A STEP-BY-STEP GUIDE**

A Formal Complaint of sexual harassment has been submitted. What happens next?

**Step 1** The Title IX Coordinator provides written notification to the Respondent of the allegations of sexual harassment in the Formal Complaint.

**Step 2** The Title IX Coordinator offers the Respondent, if a student, supportive measures.

**Step 3** The Title IX Coordinator works with the campus and/or Employee Relations to evaluate whether potential emergency removal of the Respondent student or administrative leave for a Respondent employee is appropriate.

**Step 4** The Title IX Coordinator evaluates whether the District is required or allowed to dismiss the Formal Complaint under the Title IX regulations.

A Formal Complaint will be dismissed if the allegations if proven would not constitute sexual harassment, if the alleged misconduct did not occur in GAINESVILLE ISD's education programs or activities, or if the misconduct occurred outside the United States. A Formal Complaint may also be dismissed on other grounds.

If the Title IX Coordinator dismisses the Formal Complaint, the dismissal decision may be appealed by either the Complainant or Respondent. In this case, the Title IX Grievance Process skips to **Step 14**.

If a Title IX Formal Complaint is dismissed, the District may still need to address the alleged misconduct under the Student Code of Conduct or other Board policy.

**Step 5** The Title IX Coordinator sends the Formal Complaint to the Professional Standards Office (PSO) for investigation.

- Step 6** The Investigator gathers evidence, conducts interviews of the Complainant and Respondent, and conducts interviews of other witnesses.
- Step 7** The Investigator provides all evidence directly related to the allegations in the Formal Complaint to the parties for review.
- Step 8** The Complainant and Respondent have 10 days to review and provide a written response to the Investigator regarding the evidence.
- Step 9** The Investigator reviews any written responses to the evidence and prepares the Title IX Investigation Report.

The Title IX Investigator does not reach any conclusions regarding the allegations of sexual harassment or the Respondent's responsibility. The Title IX Investigator does not make any recommendations regarding the outcome, or determine any disciplinary action or corrective measures that should be taken.

- Step 10** GAINESVILLE ISD provides the Complainant and Respondent the written Title IX Investigation Report and the parties have 7 days to submit a written response.
- Step 11** The Decisionmaker is provided the Title IX Investigation Report, the evidence, and any written responses submitted by the Complainant and Respondent.
- Step 12** The Decisionmaker oversees a written question and answer process where the Complainant and Respondent can submit written, relevant questions to each other and any witnesses. The parties can also submit written, relevant follow-up questions after receiving the answers to the initial questions.
- Step 13** The Decisionmaker issues the written Determination of Responsibility, which includes a Determination of whether the Respondent is responsible or not responsible for the allegations of sexual harassment and a recommendation of any disciplinary action or corrective measures the Decisionmaker deems necessary.
- Step 14** The Complainant or Respondent may appeal by submitting a written appeal form to the Title IX Coordinator. If no appeal is filed, the Title IX Grievance Process concludes and skips to **Step 17**. If an appeal is filed, the Title IX Grievance Process moves forward.
- Step 15** Both parties are allowed to submit written statements in the appeal, either supporting or challenging the dismissal decision or Determination of Responsibility.

**Step 16** The Appeal Officer considers the appeal and the written statements and issues a written decision granting or denying the appeal.

**Step 17** The Title IX Coordinator works with the campus and/or Human Capital Management, if applicable, to implement any disciplinary action or corrective measures recommended in the Determination of Responsibility, if the decision is not overturned on appeal.

The Title IX Coordinator continues to oversee implementation of and may need to make amendments to any supportive measures provided to the parties even after the Title IX Grievance Process concludes.

# STUDENTS WITH DISABILITIES AND TITLE IX

The 2020 Title IX regulations do not negate a student's rights under the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973 (Section 504), including the right to receive a free appropriate public education (FAPE) throughout the Title IX Grievance Process. Special conditions may arise during the Title IX Grievance Process where students with disabilities are involved, including issues related to supportive measures, emergency removals, and accessibility. Special education staff need to communicate and coordinate early and often with the Title IX Coordinator to ensure the District complies with all applicable laws and regulations.

Any time a student alleges or is accused of harassment, including Title IX sexual harassment, the school's special education personnel should consider whether an ARD or Section 504 Committee meeting should be held to address the student's IEP, behaviors, and/or needs both during and after the Title IX Grievance Process. If supportive measures or emergency removal are proposed, such decisions must be made by the ARD or Section 504 Committee with the Title IX Coordinator.

## **SPECIAL EDUCATION IMPLICATIONS REGARDING SUPPORTIVE MEASURES**

The student's ARD or Section 504 Committee, in consultation with the Title IX Coordinator, will ultimately decide what supportive measures will be provided to a student with a disability.

- When allegations of sexual harassment arise, the Title IX Coordinator must immediately consult with the student's ARD or Section 504 Committee.
- The Title IX Coordinator *can* put in place temporary immediate supportive measures (that are in place for less than ten school days) where necessary, but the student's ARD or Section 504 Committee must meet prior to implementing supportive measures which will last longer than ten school days.
- The ARD or Section 504 Committee should invite the Title IX Coordinator to attend and participate in the portion of the meeting where supportive measures will be discussed.

- During this meeting, the ARD or Section 504 Committee, with the input of the Title IX Coordinator, must consider that the provision of supportive measures *may* constitute a change in placement, trigger a disciplinary removal analysis, require a manifestation determination review (“MDR”), require changes to the student’s special education and related services, and/or require revisions or modifications of the student’s IEP or Section 504 plan.
- The parent or adult student must receive prior written notice of any changes when the ARD or Section 504 Committee makes any change in placement or refuses to make a change. In addition, any supportive measures decided by the ARD or Section 504 Committee, may not be implemented for at least five school days after notice is provided to the parent, unless the parent agrees to waive such notice.
- The timing of the ARD or Section 504 meeting may delay the Title IX Grievance Process.

## **SPECIAL EDUCATION IMPLICATIONS FOR EMERGENCY REMOVALS**

For any emergency removal of a student with a disability for more than ten school days in connection with the Title IX Grievance Process, the student’s ARD or Section 504 Committee must conduct a manifestation determination review. During the MDR, the ARD or Section 504 Committee will determine if the student’s offending conduct was a “manifestation” of his or her disability.

- If the behavior IS NOT a manifestation of the student’s disability, the campus will need to work with the family and the Title IX Coordinator to determine the interim alternative educational setting. Regardless of the interim alternative educational setting, the District still has an obligation to provide the student FAPE. The ARD or Section 504 Committee will need to ensure FAPE is provided as well as consider if a functional behavioral assessment and/or a review or implementation of a behavioral intervention plan is necessary. The ARD or Section 504 Committee will also need to consider if any other additional assessments are required.
- If the behavior IS a manifestation of the student’s disability, the student must be returned to his or her prior placement, unless the parents agree to a change in placement. The ARD or Section 504 Committee will need to work with the Title IX Coordinator to determine what other supportive measures, other than a change in placement, can be implemented to protect both the Complainant and

the Respondent until the completion of the Title IX Grievance Process.

The school can still remove a student with a disability for up to 45 school days if the student has inflicted serious bodily injury on another person while at school, on school premises, or at a school function, regardless of the results of the MDR. The MDR, however, must still take place. Note that the threshold for showing “serious bodily injury” is very high. Even then, the ARD and/or Section 504 Committee must ensure that FAPE is provided to the student.

**Remember:** If the removal relates to allegations of sexual harassment, the District must meet the requirements for emergency removal under the new Title IX regulations. The District must conduct an individualized safety and risk analysis that determines the student poses an imminent threat to the physical health or safety of a student or other individual arising from the allegations of sexual harassment.

## **ACCESSIBILITY**

All students and parents/legal guardians with disabilities must have access to the Title IX Grievance Process. For students, the ARD or Section 504 Committee should consider whether the student’s disability prevents them from being able to fully engage in this process. The Title IX Coordinator should consult with the school’s special education staff to identify appropriate accommodations for any student with a disability involved in the Title IX Grievance Process, including the Respondent, the Complainant, and any witness, and ensure the student receives all necessary accommodations as outlined in the student’s IEP or Section 504 Plan. Similarly, for parents/legal guardians, the District’s 504 Coordinator should consider requests for reasonable accommodations during the process. However, accommodations cannot give a party an unfair advantage in the Title IX Grievance Process.

District resources relating to Title IX should be easily accessible to students with disabilities and their parents/legal guardians. All notices, evidence, and reports generated during the Title IX Grievance Process should be fully accessible to students and their parents/legal guardians, regardless of any disability.

## **TRAININGS AND COMMUNICATIONS**

The Title IX Coordinator needs to communicate early and often with the school’s special education staff when a student with a disability is involved in the Title IX Grievance Process. Campus special education personnel should communicate and cooperate with the Title IX Coordinator throughout the Title IX Grievance Process.

Campus administrators should ensure their special education personnel receive training and information regarding the Title IX regulations and the Title IX Grievance Process. This includes educating special education personnel on the definition of sexual harassment under Title IX and of their responsibility to notify the Title IX Coordinator and the campus principal if they know or suspect that a student has or may have experienced sexual harassment. Campus administrators should ensure their special education personnel are trained regarding how to work with students with disabilities on appropriate behaviors, boundaries, and communications to best prevent harassment claims against these students.

# LGBTQ+ STUDENTS AND TITLE IX

Under Title IX and GAINESVILLE ISD Board policy, the District must ensure that all students, including all LGBTQ+ students, have equal educational opportunity in an environment free from sex discrimination and sexual harassment. Title IX's prohibition on discrimination on the basis of sex encompasses a prohibition on discrimination on the basis of sexual orientation and gender identity, including transgender status. Accordingly, unwelcome conduct on the basis of sexual orientation or transgender status that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity is sexual harassment prohibited by Title IX.

GAINESVILLE ISD Board policy FFH (Local) likewise prohibits discrimination against students on the basis of sex, gender, sexual orientation, gender identity, or gender expression. Sex, or sex assigned at birth, is the gender designation listed on one's birth certificate. Sexual orientation refers to individuals' emotional, romantic, or sexual attraction to other people. Gender identity is one's internal sense of gender or how individuals perceive or call themselves, which may be different from one's assigned sex. Gender expression is how a person represents or expresses gender identity to others, often through behavior, clothing, hairstyles, voice, mannerisms, or physical characteristics.

## HARASSMENT AND DISCRIMINATION AGAINST LGBTQ+ STUDENTS

Many students face bullying, harassment, and discrimination based on sex stereotypes and assumptions about what it means to be male or female. Students may face harassment based on how they dress or act, or for simply being who they are. It is important to know that discrimination and harassment against students based on their sexual orientation or gender identity is a form of sex discrimination prohibited by Title IX. It is also important that LGBTQ+ students feel safe in their educational environment and know what to do if they experience discrimination or harassment.

**Examples of LGBTQ+ Discrimination** The Department of Education's Office for Civil Rights has provided examples of discrimination and harassment against LGBTQ+ students that it will investigate.

**EXAMPLE 1**

**EXAMPLE 2**

A lesbian high school student wants to bring her girlfriend to a school social event where students can bring a date. Teachers refuse to sell her tickets, telling the student that bringing a girl as a date is “not appropriate for school.” Teachers suggest that the student attend alone or bring a boy as a date.

### **EXAMPLE 3**

An elementary school student with intersex traits dresses in a gender-neutral way, identifies as nonbinary, and uses they/them pronouns. The student’s teacher laughs when other students ask if they are “a boy or a girl” and comments that there is “only one way to find out.” The teacher tells the class that there are only boys and girls and anyone who thinks otherwise has something wrong with them. The student tells an administrator, who remarks “you have to be able to laugh at yourself sometimes.”

When he starts middle school, a transgender boy introduces himself as Brayden and tells his classmates he uses he/him pronouns. Some of his former elementary school classmates “out” him to others, and every day during physical education class call him transphobic slurs, push him, and call him by his former name. When he reports it to the school’s administrators, they dismiss it, saying: “you can’t expect everyone to agree with your choices.”

### **EXAMPLE 4**

On her way to the girls’ restroom, a transgender high school girl is stopped by the principal who bars her entry.

The principal tells the student to use the boys’ restroom or nurse’s office because her school records identify her as “male.” Later, the student joins her friends to try out for the girls’ cheerleading team and the coach turns her away from tryouts solely because she is transgender. When the student complains, the principal tells her “those are the district’s policies.”

If you know or suspect a student has been discriminated against or harassed because of the student’s sexual orientation, gender identity, or gender expression you must immediately report this to the Title IX Coordinator so the District can evaluate how to appropriately respond in compliance with the law.

# **FERPA**

## **AND TITLE IX**

GAINESVILLE ISD is required to disclose certain information during the Title IX Grievance Process that may typically be kept confidential under the Family Educational Rights and Privacy Act (FERPA). Where the District's Title IX and FERPA obligations conflict, the best practice is to follow Title IX while limiting the disclosure of confidential information to the greatest extent possible. Confidential information should only be disclosed to afford the Complainant and Respondent due process during the Title IX Grievance Process.

Here are some common questions you may have regarding confidentiality and FERPA obligations in the context of the Title IX Grievance Process.

### **TO WHOM CAN I REVEAL THE IDENTITIES OF THE COMPLAINANT AND RESPONDENT INVOLVED IN THE TITLE IX GRIEVANCE PROCESS?**

Before a Formal Complaint is filed by the Complainant or signed by the Title IX Coordinator, a Complainant may remain anonymous. Even in those circumstances, if the Complainant seeks supportive measures that require notifying the Respondent or third parties for effective implementation, it may be necessary to share information about the Complainant.

For example, if the Complainant seeks a mutual no contact order with the Respondent, the Respondent will need to be notified of who to avoid and for what reason. A Complainant's teachers should receive notice if the District provides extra time to complete assignments as a supportive measure. You should take care to limit the number of District personnel with whom you share information regarding supportive measures. Share this information with campus personnel on a "need to know" basis. If a school must disclose the name of a Complainant to implement supportive measures and no Formal Complainant is on file, the school should obtain the consent of the Complainant and their parent/guardian before releasing the information.

Once a Complainant elects to file a Formal Complaint or the Title IX Coordinator decides to sign a Formal Complaint on behalf of the District, the Complainant's identity must be disclosed to the Respondent so that the Respondent can defend against the allegations. In addition, the Title IX Investigator may need to disclose the name of the Complainant or Respondent to witnesses to complete the Title IX investigation.

Otherwise, the identities of the Complainant, Respondent, and any witnesses must be kept confidential from those not involved in the Title IX Grievance Process. Keep the circle of those who know these individuals' identities as small as possible.

## **TO WHOM CAN I PROVIDE STUDENT RECORDS RELATED TO THE TITLE IX GRIEVANCE PROCESS?**

FERPA permits the release of student records to any school official who has a legitimate educational interest without first obtaining the student's consent. Members of the District's Title IX team—the Title IX Coordinator, Title IX Investigator, Decisionmaker, Appeal Officer, and other District officials involved in the Title IX Grievance Process—have a legitimate educational interest in records directly related to the allegations of sexual harassment in the Formal Complaint. Campus personnel may provide a student's education records to the District's Title IX team without concern of a FERPA violation.

## **WHAT INFORMATION CAN I SHARE REGARDING A STUDENT'S EMERGENCY REMOVAL?**

A student's emergency removal related to allegations of sexual harassment should generally be kept confidential. The Complainant is not entitled to know about the emergency removal unless the removal is directly related to the Complainant. For example, where a respondent is removed due to a threat to the physical health or safety of a person other than the Complainant (such as where the Respondent has threatened self-harm), the Complainant should not be informed of the removal. In contrast, the school can inform the Complainant about the emergency removal of a respondent if there is a concern that the Respondent poses a risk of imminent harm to the Complainant.

## **WHAT INFORMATION IS EACH PARTY ENTITLED TO KNOW ABOUT THE DETERMINATION OF RESPONSIBILITY?**

The Determination of Responsibility—the decision where the Title IX Decisionmaker determines if the Respondent is responsible or not responsible for the allegations of sexual harassment—is an education record of both the Complainant and Respondent. Both the Complainant and the Respondent are entitled to see the Determination of Responsibility. In addition, the actual sanction(s) imposed on the Respondent, if any, is also part of both the Complainant's and Respondent's education record. For example, the Complainant should know whether the Respondent was expelled or suspended for a period of time based on the Determination of Responsibility. This is a departure from the District's normal practice and prior Title IX regulations, which prohibited schools from disclosing student sanctions.

Any remedies provided to the Complainant based on the Determination of Responsibility, however, are not part of the Respondent's education record. Thus, the Respondent should not be informed about the services the District provides to the Complainant after the Determination of Responsibility.

# **RETALIATION AND TITLE IX**

The District cannot retaliate against any individual, whether a student or employee, because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in an investigation or other proceeding under Title IX. The new Title IX regulations prohibit intimidation, threats, coercion, and discrimination against any individual that could interfere with the District's Title IX Grievance Process.

Retaliation may include threats, rumor spreading, ostracism, assaults, expulsion, disciplinary action, failing grades, unjustified negative evaluations, unjustified negative references, and/or increased surveillance. Prohibited interference may include attempts to coerce, compel, or prevent an individual from providing testimony or relevant information; removing, destroying, or altering documentation relevant to the investigation; or encouraging others to provide false or misleading information during the investigation.

Retaliation and prohibited interference can be committed by anyone, including students, employees, and third parties. Regardless of the actor, the District must promptly respond to any known or suspected retaliation. Vigilance about preventing retaliation is crucial to ensure students and employees feel safe making reports of sexual harassment and that all individuals feel safe participating in the District's Title IX Grievance Process.

## **DISCIPLINE FOR CODE OF CONDUCT VIOLATIONS**

Title IX's prohibition on retaliation is extensive. Punishment for a code of conduct violation that arises out of the same facts or circumstances as a report or complaint under Title IX can also constitute prohibited retaliation if the punishment is imposed to interfere with the Title IX Grievance Process.

For example, if a student is punished for underage drinking on a District campus that occurred in conjunction with an alleged sexual assault for which the student has made a formal or informal complaint under Title IX, such punishment may constitute retaliation. However, if your campus always takes a zero-tolerance approach to underage drinking and always imposes the same punishment, irrespective of the circumstances, then imposing such a punishment would not be "for the purpose of interfering" with Title IX and would not constitute retaliation under the new regulations. Such determinations are necessarily fact intensive and should be made in consultation with the Title IX Coordinator.

Conversely, charging a student with a code of conduct violation for making a materially false statement in bad faith during the Title IX Grievance Process does not constitute retaliation. Students may be cautioned that lying during investigative interviews or providing false evidence may subject them to disciplinary action.

## **RETALIATION BY THIRD PARTIES**

If the person who is engaging in the retaliatory acts is not an employee, the District may still have an obligation to respond. If the person who is engaging in the retaliatory acts is a student or a third party, the District may take measures such as pursuing discipline against a student who engaged in the retaliatory act or issuing a no-trespass order against a third party to address the alleged retaliation.

# ATHLETICS AND TITLE IX

Title IX's prohibition on sex discrimination in GAINESVILLE ISD's education programs and activities includes athletics. Title IX requires that school districts provide equal athletic opportunities and benefits for boys and girls, including athletic participation opportunities and other athletic benefits and opportunities. GAINESVILLE ISD must provide athletic participation opportunities that effectively accommodate the interests and abilities of students of all sexes. In District schools that operate or sponsor interscholastic athletics, GAINESVILLE ISD must provide equal athletic benefits and opportunities with respect to:

- Provision of equipment and supplies
- Scheduling of games and practice times
- Travel and per diem allowances
- Opportunity for coaching and academic tutoring
- Assignment and compensation of coaches and tutors
- Provision of locker rooms, practice facilities, and competitive facilities
- Provision of medical and training facilities and services
- Housing and dining services
- Publicity and recruitment
- Support services

Identical benefits, opportunities, or treatments are not required. Rather, if the program components for boy and girl athletes, when compared, are equivalent, the District is in compliance.

## TRANSGENDER ATHLETES

One issue that may arise with respect to GAINESVILLE ISD's Title IX compliance and athletics is whether a transgender student may participate in the sport associated with the student's gender identity. Under current interpretation of federal law, it potentially violates Title IX to deny a transgender student the ability to participate in the sport associated with the student's gender identity. However, Texas law requires student athletes who compete in interscholastic athletics to play on teams that align with the sex listed on the student's birth certificate.

Because of this conflict between federal and state law, if this issue arises, contact GAINESVILLE ISD's Office of Legal Services to obtain guidance and assistance from a GAINESVILLE ISD attorney.