



Title IX

August 13, 2024

Dr. Cindy Bauter

presents to the
Chisholm Trail Middle School Staff

Agenda

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What is Title IX?

2

How does it apply to Campus Teachers & Staff?

3

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Introduction

Dr. Cindy Bauter

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In person: District Administration Legal Counsel Office



What is Title IX?

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. *20 USCS 1681*



Civil Rights Division
U.S. Department of Justice

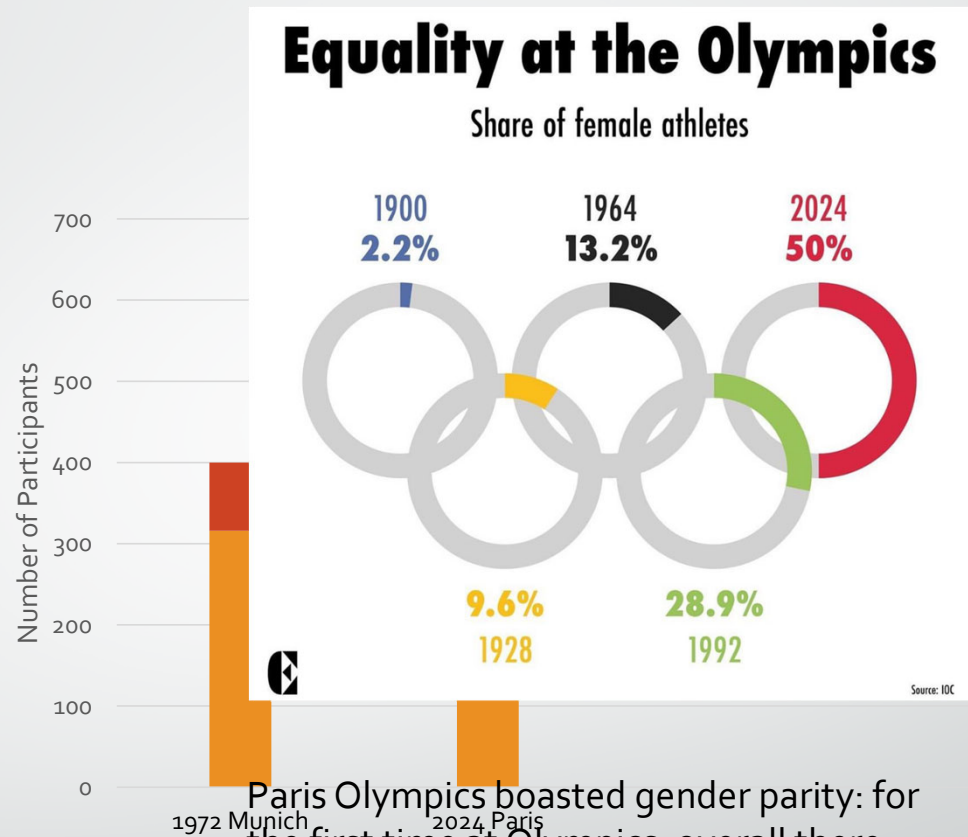
Law: [20 USCS 1681](#)

Federal Regulations: [34 CFR 106](#)

Amendments: [Federal Register Vol. 80 No. 83 April 29, 2024](#)

The
Federal
Law

Fun Fact Impact



Paris Olympics boasted gender parity: for the first time at Olympics, overall there are 50% women and 50% men competing. For the 4th consecutive summer Olympics, the US team has more women than men—no doubt influenced by the Civil Rights Act of 1972.

The District Policy

The District prohibits discrimination, including harassment, against any student. Discrimination is defined as treating a student or group of students differently from similarly situated students on the basis of race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law. (FFH Local)

Nondiscrimination Statement

- Northwest Independent School District does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and its regulations, including in admission and employment.
- Inquiries about Title IX may be referred to the district's Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights, or both. The district's Title IX Coordinator is Dr. Cindy Bauter, Executive Director of Student Affairs and Title IX Coordinator.

Discrimination on the basis of sex
= Title IX



How does this apply to
Staff at CTMS?

The background of the slide features a photograph of an outdoor park setting. In the foreground, there is a paved asphalt area with yellow hopscotch grids painted on it. In the middle ground, a basketball hoop with a red rim and white backboard is visible. The background consists of green grass, several trees with green and yellowing leaves, and a blue sky with some white clouds. A large, stylized graphic element, consisting of overlapping diagonal bands in grey, orange, and white, runs from the bottom left towards the center of the slide, partially obscuring the photograph and the text.

Title IX violations
happen in all places.



What are you looking for?

What is a Title IX violation?

Title IX has to do with sex.
Not age, race, religion.
Only sex.

Students are unkind to one another often. But when their behavior turns to sex discrimination, those things have to be reported to me specifically because of this special law that says so.



Title IX is
about
parts
under the
swimsuit.

Definition (2024 regulations)

INJUNCTION ISSUED

7/11/24

The new federal
regulations are on hold
until further court
action.

1. Quid Pro Quo

2. Hostile Environment Harassment

(2) Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- (i) The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;
- (ii) The type, frequency, and duration of the conduct;
- (iii) The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- (iv) The location of the conduct and the context in which the conduct occurred; and
- (v) Other sex-based harassment in the recipient's education program or activity.

3. Specific Offenses (Sexual assault, domestic violence, dating violence, stalking)

Definition (2020 regulations)

Quid Pro Quo

conditions an educational benefit or service on individual's participation in unwelcome sexual conduct

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 the recipient's education program or activity

Violent Offenses

(VAWA/Clery Act) – Sexual assault, domestic violence, dating violence, stalking

conditions an educational benefit or service on individual's participation in unwelcome sexual conduct

Example: Coach allc
room during her lun
Giving a stude
day. Sometimes the
relationship. In
not on approved pla
attention, or n
way, a romant
is PROHIBITED

If the infractio
and any memk
formal investiq
whether to pla
administrative



DIANE R. WILLIAMS

In 1976, Diane Williams became the first successful plaintiff in a sexual harassment case.

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Quid Pro
Quo – in
detail

Unwelcome conduct determined by a reasonable person to be so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access to the recipient's education program or activity

Examples of sexual harassment between students

- Derogatory, homophobic comments
- Offensive jokes
- Name-calling
- Rumors regarding sexual history
- Hazing/gangster behavior to conform to sex stereotypes, such as "tuff" and not giving it back, going to the gym
- Physical aggression or conduct based on a person's actual or perceived sexual orientation or gender identity (students objectified at student who identifies as gay)
- Obscene phone calls, texts, emails, social media posts



Davis v. Monroe County
Aurelia and Lashonda Davis (1999)

offensive behavior

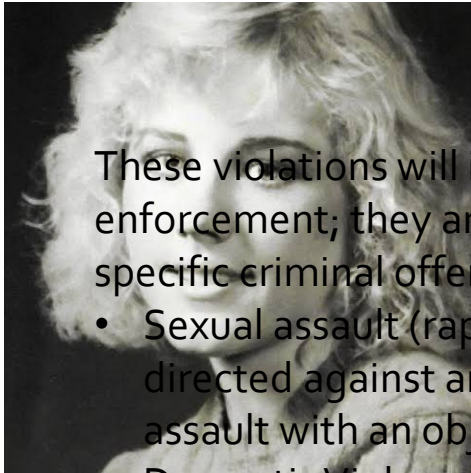
sexual history

conform to sex
stereotypes, such as "tuff" and not giving it

conduct based on a
person's actual or perceived sexual orientation or gender identity

Hostile
Environment
Harassment-
in detail

Sexual assault—rape, rape with object, fondling, etc
domestic violence
dating violence*
stalking*



These violations will involve notification to law enforcement; they are specified in the Clery Act, specific criminal offenses:

- Sexual assault (rape, fondling, any sexual act directed against another without consent, sexual assault with an object)
- Domestic Violence (intimate partner, cohabiting, and then commits violence)
- Dating Violence (is or has been in a romantic or intimate relationship and commits violence)
- Stalking



Violent Offenses – in detail

We will not discriminate based on sex,
including students who are pregnant.

Cynthia Elliott – Partner with Parents

Supportive Measures are required by law.
Cynthia will determine those and Cynthia
will communicate those. 😊



Pregnancy

Retaliation based on a Title IX matter should also be reported. Retaliation (for any matter) is prohibited.



Retaliation

Sexual Harassment is also prohibited under Title VII employment practices¹.

We do not allow student-on-staff harassment either.

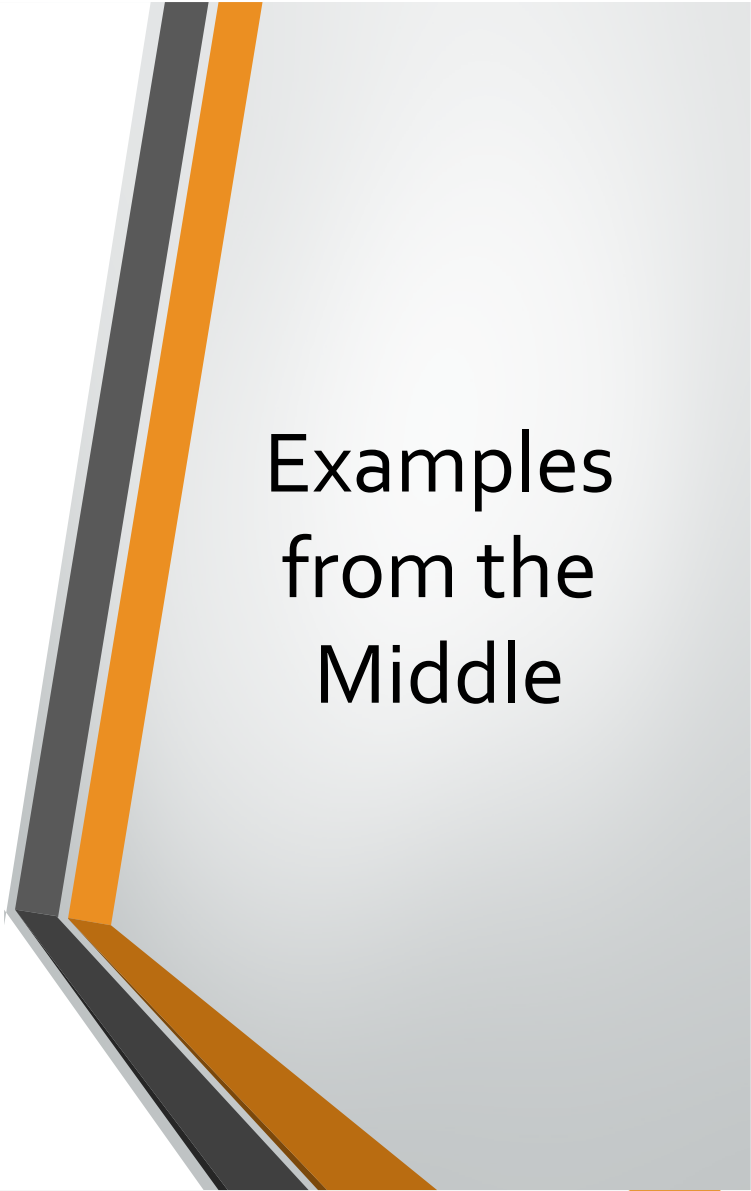
The prohibition of hostile environment sexual harassment applies to students and employees.



Including Staff...

Scenarios that should have your attention

- ✓ Any time a student reports unwanted words or touches of a sex-based nature to you
- ✓ Any time you are aware that a colleague is engaging in a romantic relationship with a student
- ✓ Any time you see students engaging in sexually harassing behaviors, such as
 - mistreating students because they identify differently
 - Engaging in behaviors that constitute a hostile environment



Examples
from the
Middle



What are you supposed
to do?

- Every employee of NISD is **eligible to receive** and is **responsible for reporting** complaints of sex discrimination.
- If you become aware of a situation of sex discrimination, do not ignore it.
- Stop what you are doing and report the complaint to the Title IX Coordinator. (Notify Admin. Can call me together. Can let admin call but document the followup.)

REQUIREMENT
to report



Civil Rights Division
U.S. Department of Justice

Utah State firing football coach Blake Anderson and staff after Title IX review

FOX Sports

Published July 2, 2024 4:51



Utah State announced Tuesday it's firing football coach Blake Anderson and staff after a review of allegations that he hadn't complied with Title IX policies regarding sexual misconduct cases.

Nate Dreiling, who had been Utah State's defensive coordinator and will be Utah State's interim coach during the upcoming season. Anderson Sabau met players and staff Tuesday to inform them of the move. [news release.](#)

Utah State also said associate vice president/deputy athletic director Jerry Bovee and football director of player development and coaching were fired "for violations of university policies related to the reporting of domestic violence and failures of professional responsibilities."

Bovee was Utah State's interim athletic director in 2023. Utah State said Anderson was being fired for actions that took place in the spring of 2023.

Utah State noted that Title IX policies "require full and timely reporting of disclosures of sexual misconduct — including domestic violence — and prohibit employees from investigating disclosures of sexual misconduct themselves."

"As leaders, we are responsible for ensuring allegations of USU policy violations are investigated," Sabau and Utah State President Elizabeth Cantwell said in an email they sent to faculty and staff. "Today's actions are the result of a thorough external investigation, and we believe the evidence demands immediate action. Our job is to fearlessly hold ourselves and others accountable for their conduct and to make sure that, for the sake of our students and our community, we are living the values of our university."

"While recognizing the impact of these decisions on our student athletes and football program, we will continue to take the steps necessary to deliver a respectful, transparent and winning culture at Utah State University."

School officials noted that Anderson has 14 days to respond to the university's decision under terms of his employment agreement. School officials said they couldn't release any additional information until all opportunities to respond or appeal to the decision have expired.

Anderson posted a 23-17 record in three seasons at Utah State, with the Aggies reaching

Cautionary Tale

Don't cover up anything.

It's not yours to investigate if it falls under Title IX. Maybe under every other non-sex-based situation, but not Title IX.

Consider what happens if student goes home and tells guardian—and you knew but did nothing...

How can you find me?

Stop and ask an AP to get me on the phone.

You can take my business card.

You can look me up online.

Ask your supervisor for my information.

Online form:

<https://forms.nisdtx.org/Forms/TitleIX>



If you
know, let
Bauter
know.

What happens after you report?

- ✓ May need to get a statement from you.
- ✓ We'll do the investigating—you don't need to.
- ✓ Supportive Measures – may come from campus admin leadership. Must be implemented until we say stop. Let me know if there are issues.

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Do not be
indifferent.

Prevent
harassment.

Stop
harassment.