

**Dr. Cindy Bauter presents to the
NISD Transportation Team**

← Title IX

August 5, 2024



Agenda

Introduction

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What is Title IX?

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How does it apply to Transportation?

3

What am I looking for?

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What am I supposed to do?

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1

Introduction

Dr. Cindy Bauter

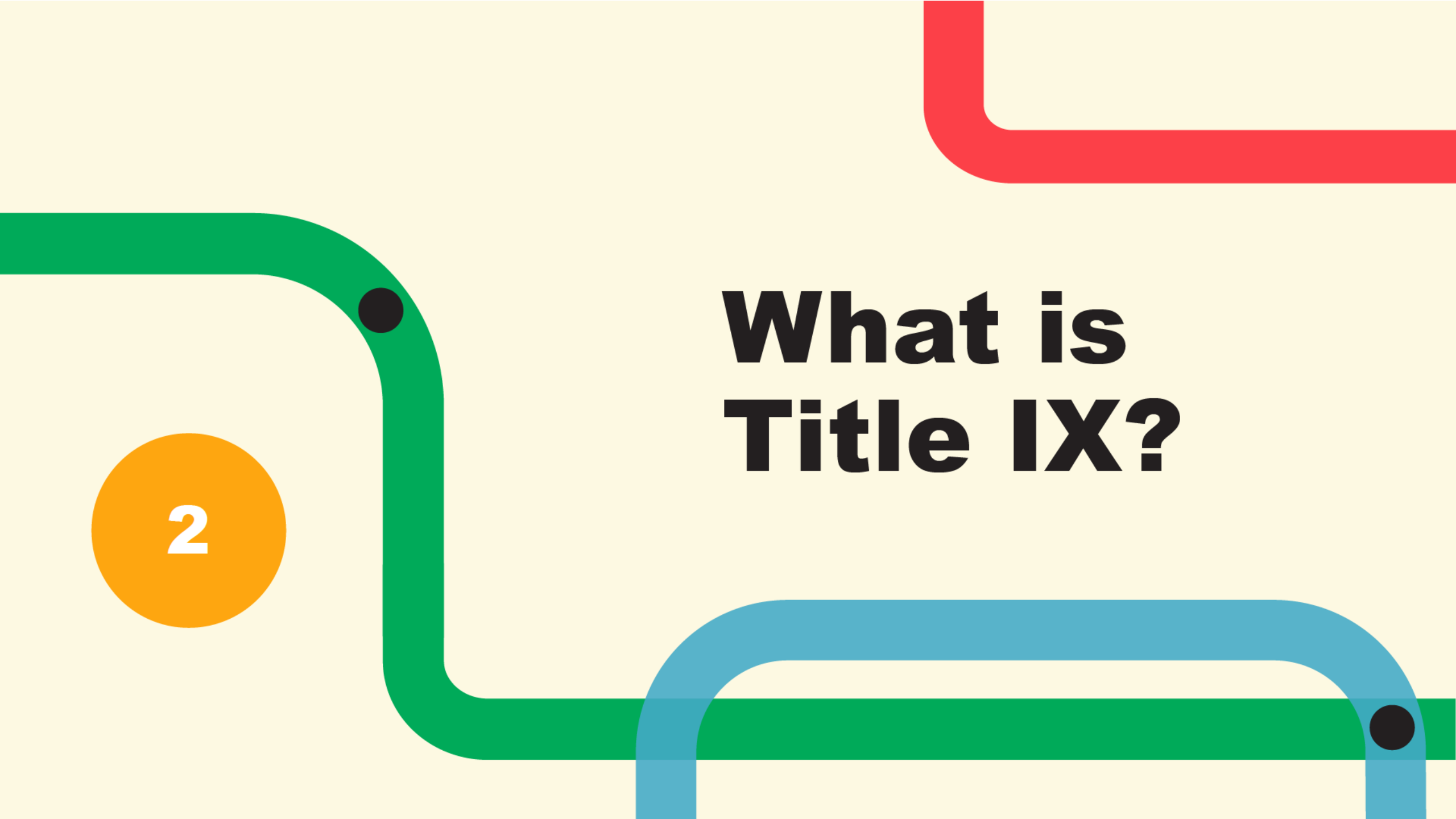
Executive Director of Student Affairs & Title IX Coordinator

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Cynthia.Bauter@nisdtx.org

**In person: District Administration Legal
Counsel Office**



A decorative graphic featuring a green line that starts from the left, curves down, and then continues horizontally. A blue line starts from the bottom, curves up, and then continues horizontally, overlapping the green line. A red line starts from the top right and curves down. There are two black dots: one on the green line at its first curve and another on the green line at its end. An orange circle with the number '2' is positioned to the left of the green line's first curve.

What is Title IX?

2



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The Federal Law

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 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.

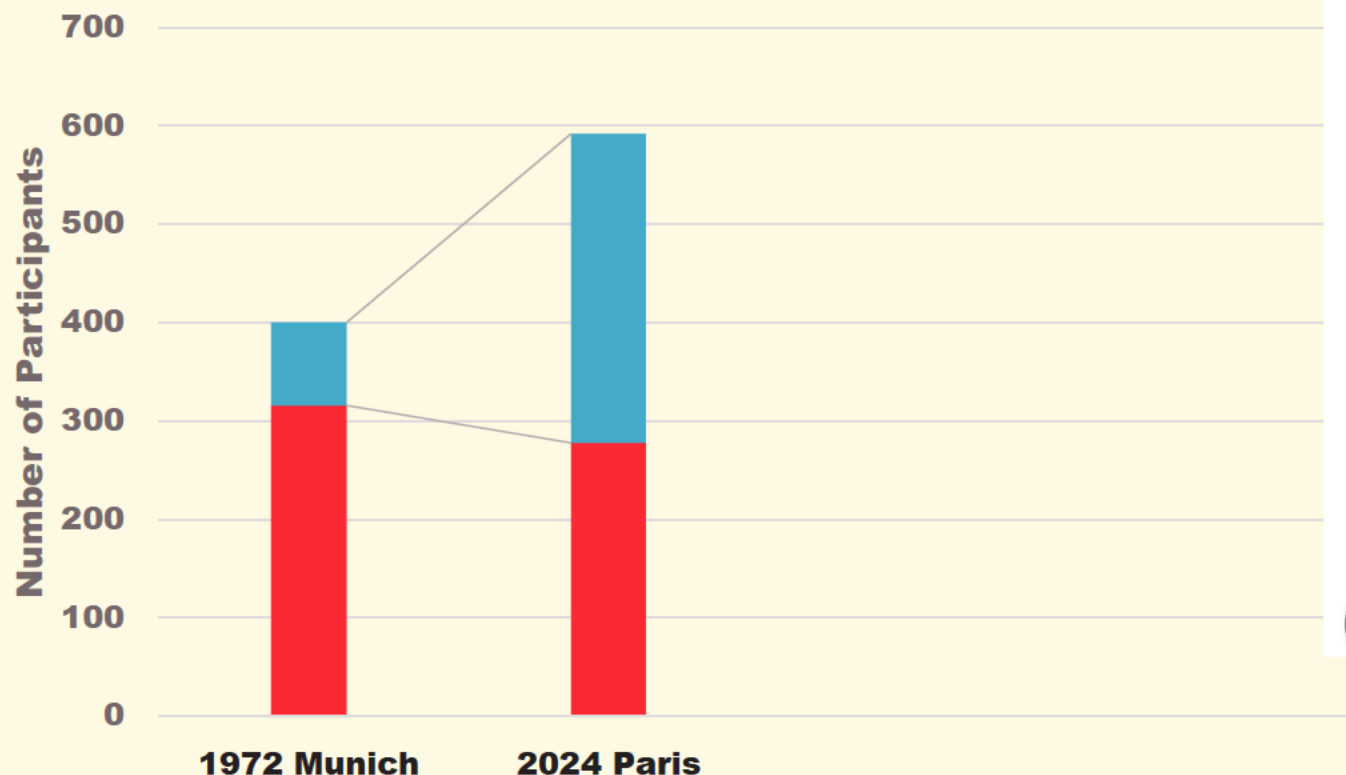
Inquiries about Title IX may be referred to the district's Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights, or both. The district's Title IX Coordinator is Dr. Cindy Bauter, Executive Director of Student Affairs and Title IX Coordinator.



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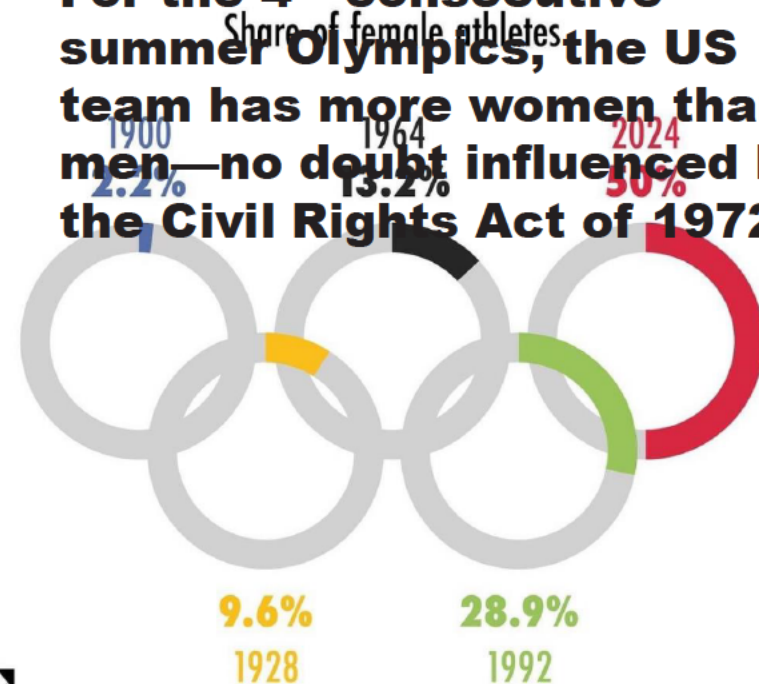
Title IX Impact

USA Team Composition by Sex



Equality at the Olympics

For the 4th consecutive summer Olympics, the US team has more women than men—no doubt influenced by the Civil Rights Act of 1972.



Paris Olympics are boasting gender parity: for the first time at Olympics, overall there are 50% women and 50% men competing.

How does this apply to Transportation?

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A decorative graphic at the bottom of the slide. It features a thick blue horizontal line that starts from the left edge, passes through an orange circle containing the white number '3', and then curves upwards and to the right, ending near two vertical green bars. Each green bar has a solid black dot near the top.



We don't allow discrimination—anywhere.

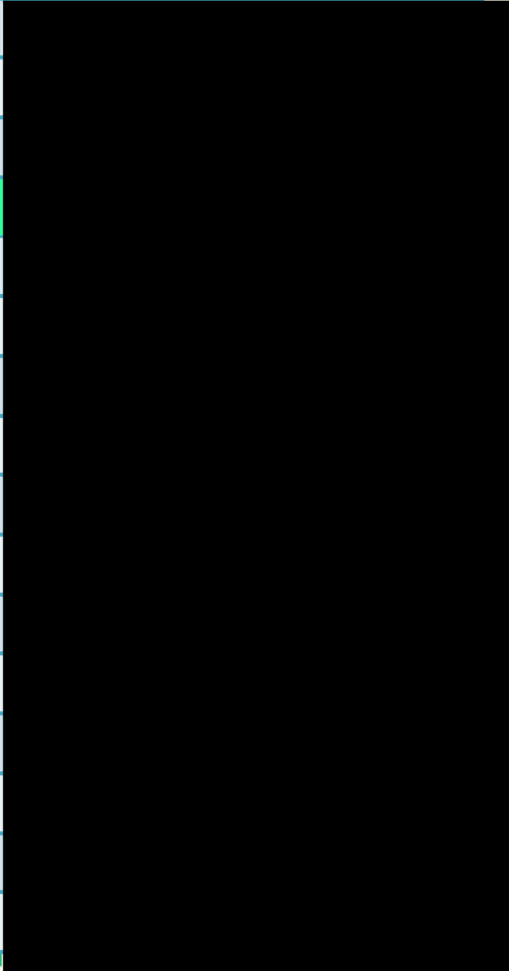
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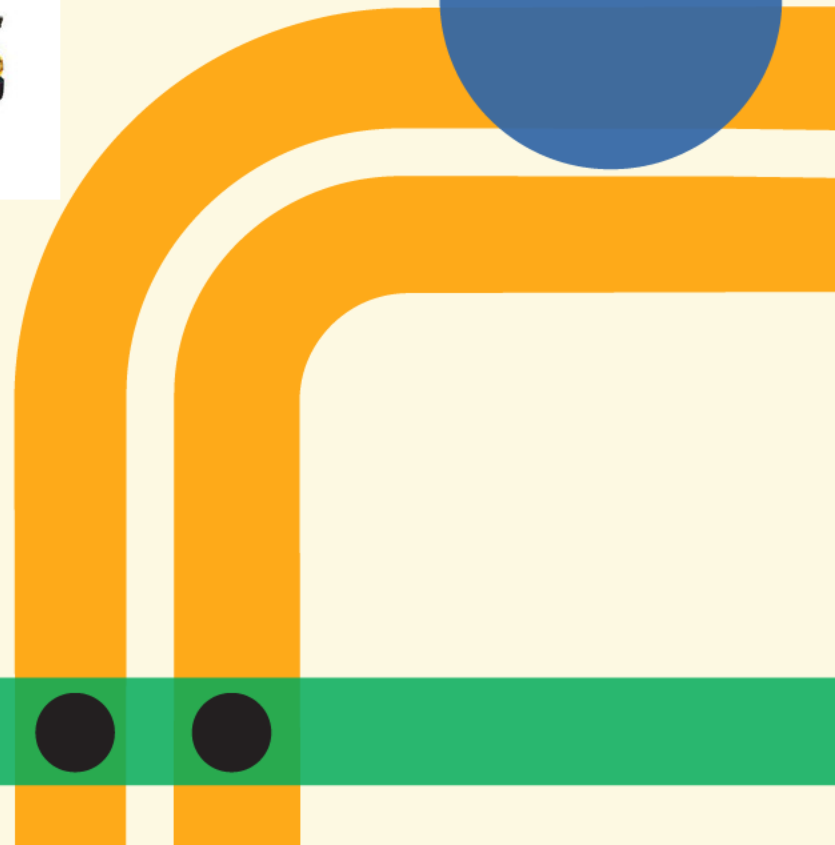
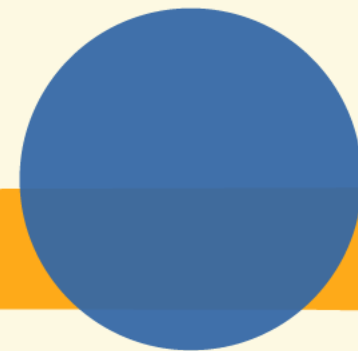
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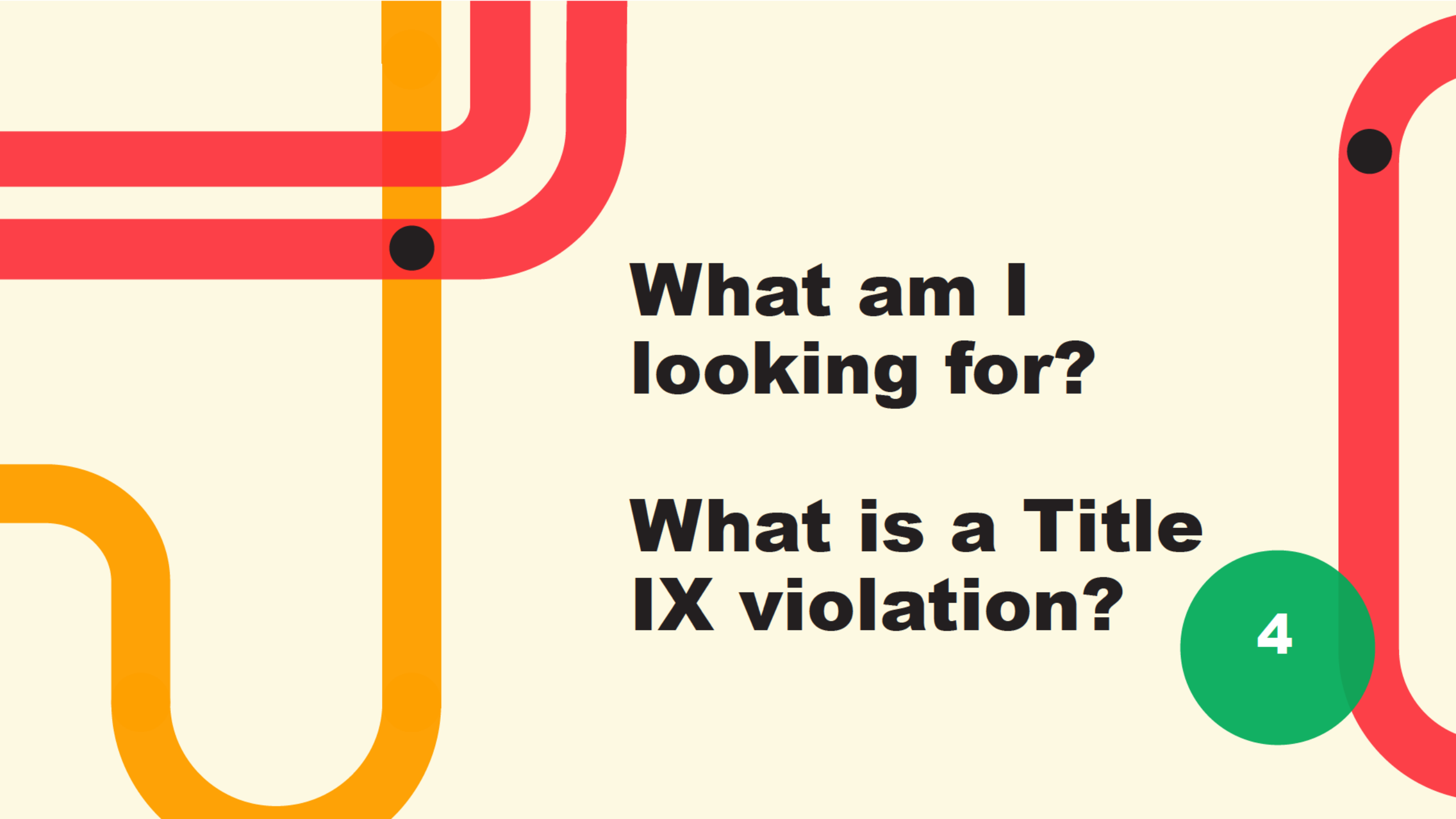


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It happens on busses.

Location	# reports
Classroom	
Hall	
Playground	
Bus	
Cafeteria	
Off Campus	
Restroom	
Art/Music/PE	
gym	
Unspecified	
Locker room	
Natatorium	
Band	
Theater	
Weight Room	
Resource Room	





**What am I
looking for?**

**What is a Title
IX violation?**

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Title IX is about parts under the swimsuit.

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.



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Definition (2020 regulations)

Quid Pro Quo

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



DIANE R. WILLIAMS

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



Davis v Monroe County
Aurelia and LaShonda Davis (1999)

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

Other Specific Crimes

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



Nicole Brown Simpson (1994)



Jeanne Clery (d. 1986; legislation 1990)



Quid Pro Quo – in detail

Giving a student privileges for sexual relationship. Maybe the student likes the attention, or maybe it is unwanted. Either way, a romantic relationship with a student is PROHIBITED.

If the infraction is between student and any member of the staff, there is a formal investigation and HR will consider whether to place employee on administrative leave.

Example: Bus Driver finds a particular high school athlete attractive. Over time, they exchanges numbers. Texts outside of work. Allows student to ride back to bus barn after dropping all other students, and drives student home in private car, where romantic relationship takes a steamy turn—and the student is a willing participant!



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



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Hostile Environment Harassment- in detail

Examples of serious, pervasive, and objectively offensive behavior between students may include:

- **Derogatory, sex-based, or sexist remarks**
- **Offensive jokes**
- **Name-calling or slurs**
- **Rumors regarding a student's sexuality or sexual history**
- **Hazing/ganging up on student who doesn't conform to sex stereotypes (crowding around, taking their stuff and not giving it back, going through their possessions)**
- **Physical aggression, threats, intimidating conduct based on a person's actual or perceived sexual orientation or gender identity (students objects at student who identifies as gay)**
- **Obscene phone calls, texts, emails, social media posts**



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Sexual Violence – in detail

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**



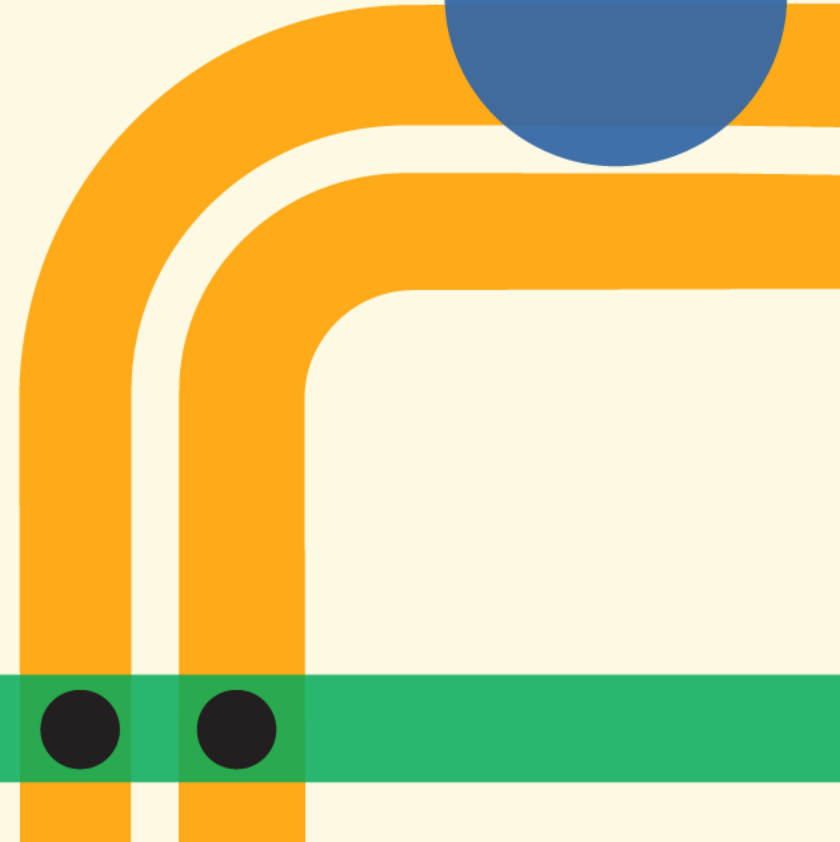
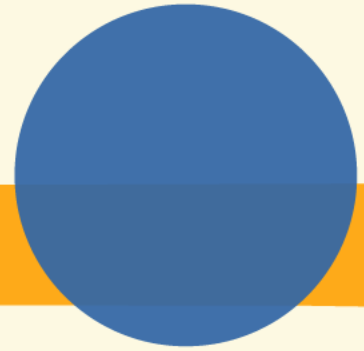


Pregnancy

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

Under other, employment laws (eg PWFA) pregnancy is considered a sex-based matter.

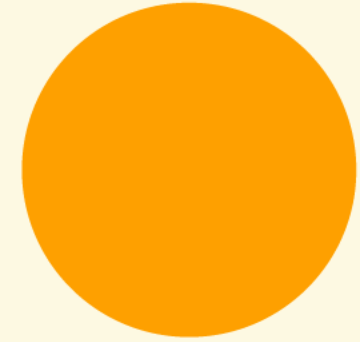
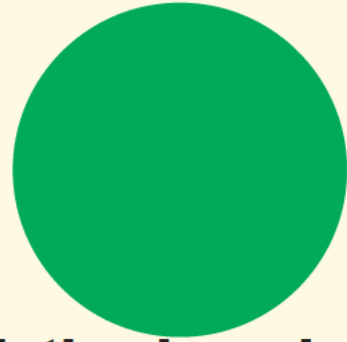
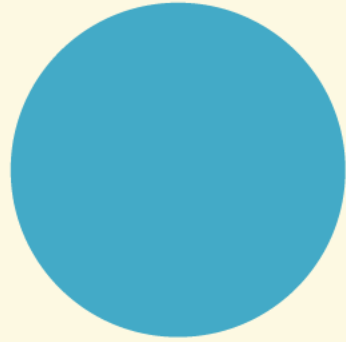
We will provide accommodations for students and employees who are pregnant.



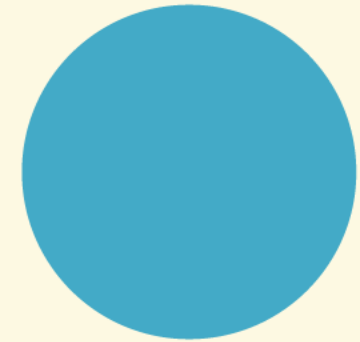
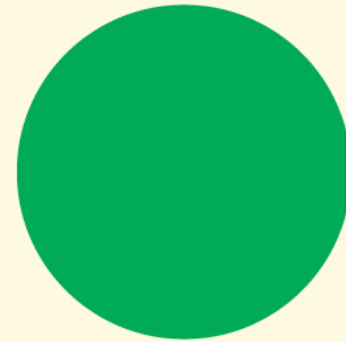
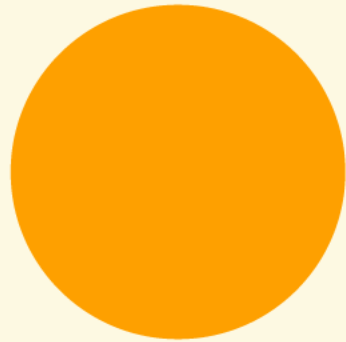


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Retaliation



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



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Examples

Location	# reports
Classroom	
Hall	
Playground	
Bus	
Cafeteria	
Off Campus	
Restroom	
Art/Music/PE	
gym	
Unspecified	
Locker room	
Natatorium	
Band	
Theater	
Weight Room	
Resource Room	



Pulling pants down.
Asking student to touch private parts.
Touching others' private parts.
Providing cover so a friend can touch another student out of driver's view.

Tiny babies.
Boy-boy, girl-girl, girl-boy, boy-girl....
Consensual?



**What am I
supposed to
do?**





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REQUIREMENT to report

Every employee of NISD is responsible for receiving and reporting complaints of sexual discrimination. If you witness or have knowledge of a discriminatory situation, you do not ignore it. You must report it to the Title IX Coordinator.



Civil Rights Division
U.S. Department of Justice



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What happens then?

- **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 or Transportation leadership. Must be implemented until we say stop. Let me know if there are issues.**



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...

Utah State firing football coach Blake Anderson, 2 other staffers after Title IX review

FOX Sports

Published July 2, 2024 4:31pm EDT



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

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

Utah State also said associate vice president/deputy athletic director of external affairs Jerry Bovee and football director of player development and community Austin Albrecht, were fired "for violations of university policies related to the reporting of sexual and 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 bowl games each of those years. He went 11-3 in 2021 before going 6-7 each of the last two years.

He came to Utah State after going 51-37 at [Arkansas State](#) from 2014-20. He took a leave of absence prior to the 2019 season just before his wife, Wendy Anderson, died after a two-year fight with breast cancer. He returned for the second game of that season and helped Arkansas State go 8-5.



If you know, let me know.

How can you find me?

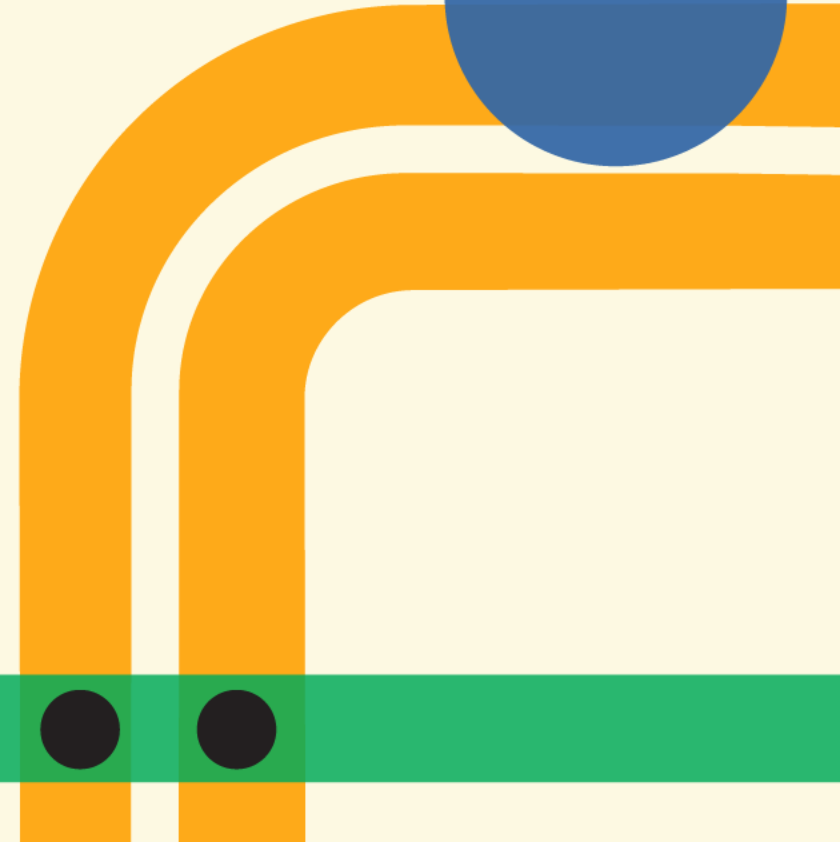
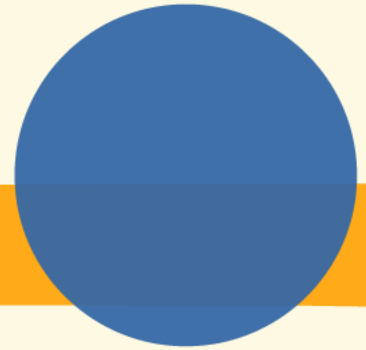
Stop and ask an AP to get me on the line.

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>





Dr. Cindy Bauter
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817.215.0567

**Do not be
indifferent.**

**Prevent
harassment.**

Stop harassment.