

Title IX

New Admin Academy

Northwest ISD

July 31, 2025

Cindy Bauter

Title IX Coordinator



Note:

THIS IS NOT INVESTIGATOR/DECISION MAKER TRAINING. You will receive that with all campus administrators shortly.

Agenda

- Introduction
- Definition
- Title IX since 1972
- Impact/Scope of Title IX
 - Programs
 - Prohibited Behaviors
 - Sex Discrimination
- Responding
- Reporting
- Remediating
- Tips & Questions



Introduction



- Title IX Coordinator: Cindy Bauter
- 817.215.0567
- Cell:
- Cynthia.Bauter@nisdtx.org
- District Administrative Legal Counsel Office

Title IX is Federal.

- [Civil Rights Act of 1972](#)
- Title IX under Dept of Ed
- OCR under DOJ



20 USCS §1681

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.

Law: 20 USCS 1681

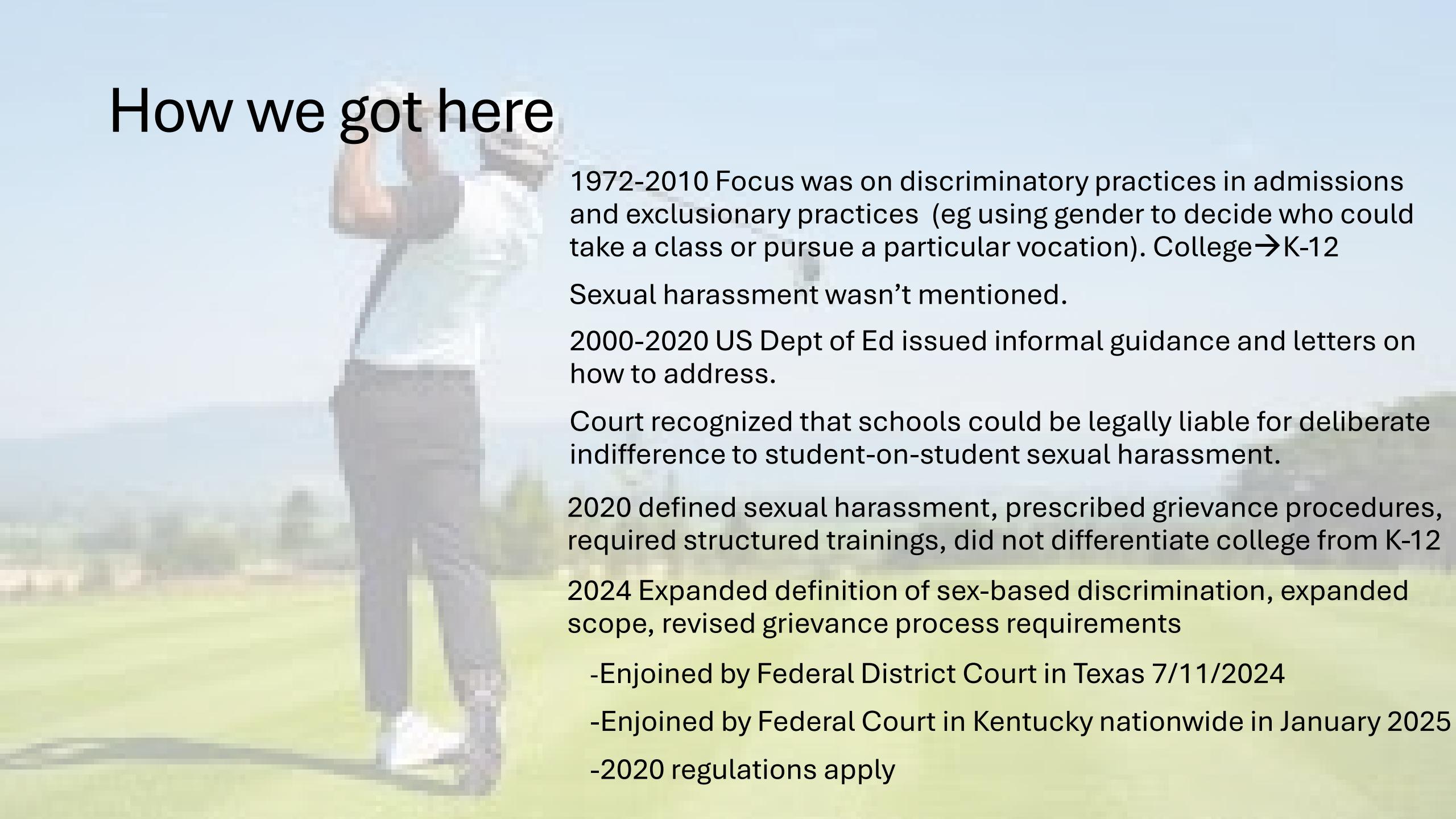
Federal Regulations: 34 CFR 106

Amendments: Federal Register Vol. 80 No. 83 April 29, 2024

Board Policy: FFH(Local)



How we got here



1972-2010 Focus was on discriminatory practices in admissions and exclusionary practices (eg using gender to decide who could take a class or pursue a particular vocation). College→K-12

Sexual harassment wasn't mentioned.

2000-2020 US Dept of Ed issued informal guidance and letters on how to address.

Court recognized that schools could be legally liable for deliberate indifference to student-on-student sexual harassment.

2020 defined sexual harassment, prescribed grievance procedures, required structured trainings, did not differentiate college from K-12

2024 Expanded definition of sex-based discrimination, expanded scope, revised grievance process requirements

- Enjoined by Federal District Court in Texas 7/11/2024

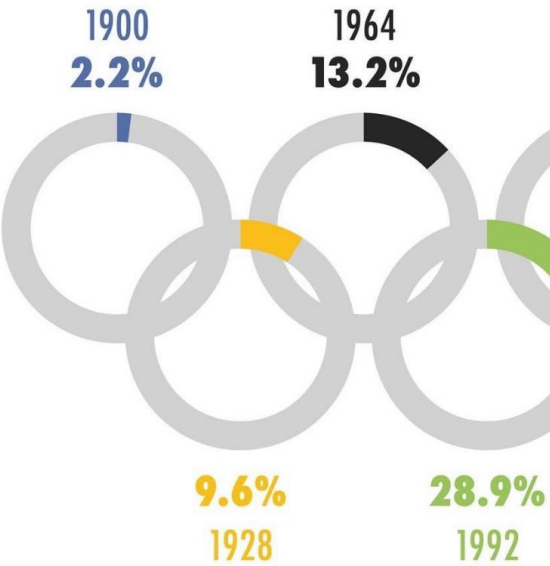
- Enjoined by Federal Court in Kentucky nationwide in January 2025

- 2020 regulations apply



Equality at the Olympics

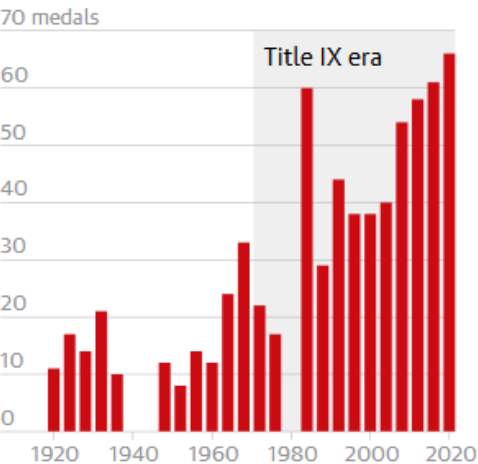
Share of female athletes



2024
50%

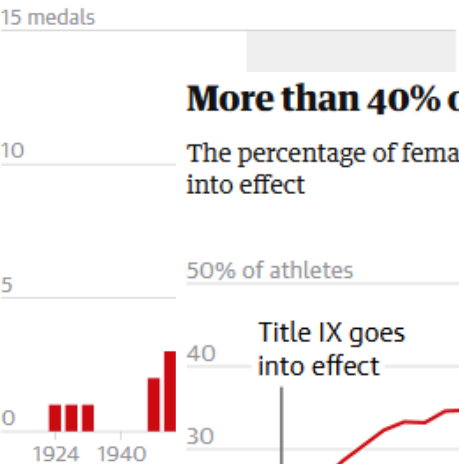
Olympic medals won by US women have increased since the introduction of Title IX

Summer Olympics



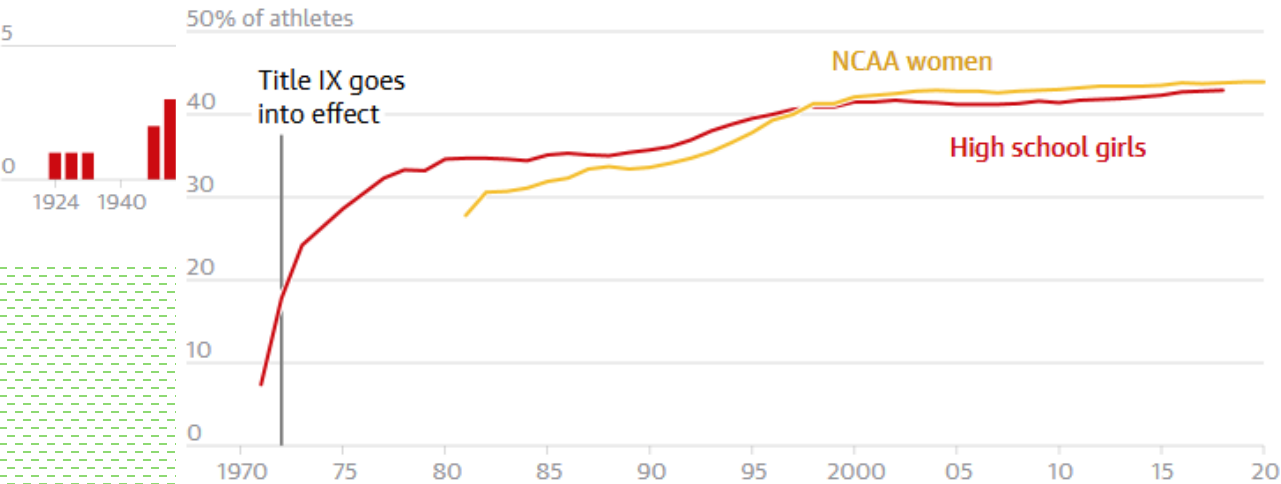
Guardian graphic. Source: Olympedia

Winter Olympics



More than 40% of NCAA and high school athletes are female

The percentage of female athletes in college and high school rose sharply after Title IX went into effect



Guardian graphic. Source: NCAA data begins with the 1981-82 school year and ends in 2020-21. High school data from the National Federation of State High School Associations begins in 1971-72 and ends in 2018-19.

34 CFR 106.41: Programs

- **106.41 Athletics.**(a) *General.* No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club or intramural athletics offered by a recipient, and no recipient shall provide any such athletics separately on such basis.
- (b) *Separate teams.* Notwithstanding the requirements of paragraph (a) of this section, a recipient may operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport. However, where a recipient operates or sponsors a team in a particular sport for members of one sex but operates or sponsors no such team for members of the other sex, and athletic opportunities for members of that sex have previously been limited, members of the excluded sex must be allowed to try-out for the team offered unless the sport involved is a contact sport. For the purposes of this part, contact sports include boxing, wrestling, rugby, ice hockey, football, basketball and other sports the purpose or major activity of which involves bodily contact.
- (c) *Equal opportunity.* A recipient which operates or sponsors interscholastic, intercollegiate, club or intramural athletics shall provide equal athletic opportunity for members of both sexes. In determining whether equal opportunities are available the Director will consider, among other factors:
 - (1) Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes;
 - (2) The provision of equipment and supplies;
 - (3) Scheduling of games and practice time;
 - (4) Travel and per diem allowance;
 - (5) Opportunity to receive coaching and academic tutoring;
 - (6) Assignment and compensation of coaches and tutors;
 - (7) Provision of locker rooms, practice and competitive facilities;
 - (8) Provision of medical and training facilities and services;
 - (9) Provision of housing and dining facilities and services;
 - (10) Publicity.
 - Unequal aggregate expenditures for members of each sex or unequal expenditures for male and female teams if a recipient operates or sponsors separate teams will not constitute noncompliance with this section, but the Assistant Secretary may consider the failure to provide necessary funds for teams for one sex in assessing equality of opportunity for members of each sex.
- (d) *Adjustment period.* A recipient which operates or sponsors interscholastic, intercollegiate, club or intramural athletics at the elementary school level shall comply fully with this section as expeditiously as possible but in no event later than one year from the effective date of this regulation. A recipient which operates or sponsors interscholastic, intercollegiate, club or intramural athletics at the secondary or post-secondary school level shall comply fully with this section as expeditiously as possible but in no event later than three years from the effective date of this regulation.
- (Authority: Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682; and Sec. 844, Education Amendments of 1974, Pub. L. 93-380, 88 Stat. 484)

Equity in access

Teams Equity – specific guidance from 34 CFR 106.41

example: boys' volleyball? Hockey?

Facilities – quality and size

Activities conditioned on height and weight may have disparate impact on one sex

Teams by sex—when do we include, make exceptions?

- If you know about violations here, there needs to be a discussion. We endeavor to remain compliant. For example, construction takes all this into account.
- School district must have substantial and legitimate justification for using a policy, rule, or practice that differentiates based on sex.
- There can be instances in which a teacher or coach is accused of imposing a classroom rule or team rule that causes a disparate impact.
- Violations require investigation but there is no “respondent”; the “harm” is caused by a policy, not a person.

But Title IX affects more than equity in athletics: importantly, in career choice and every program aspect of our schools...



Pregnancy—equity in access

Expanded scope of 2024 regulations regarding pregnancy are also enjoined, but...

We will not discriminate based on sex.

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

We will provide accommodations for students who are pregnant.



What to do if you learn a student is pregnant:

1. Contact me.
2. Give her my contact information and let her know I will help ensure she has accommodations, unless I've already been told and you know this.
3. Provide reasonable accommodations (restroom, elevator, eating, pumping)
4. Treat same as any other temporary medical condition (broken leg, surgery)
5. Give reasonable accommodations for makeup work etc; mandated supportive measures will come from Cynthia Elliott (from Title IX Coord). Egs: leave of absence, extensions for work, rescheduled exams, tryout accommodations
6. Do not exclude from activity.
7. Do not request a medical certification unless required of all students.
8. Do not impose an involuntary placement or leave of absence.
9. Do not request documentation to implement accommodations.
10. Do not ask intrusive questions.

34 CFR 106.31

- ▶ Subpart D—Discrimination on the Basis of Sex in Education Programs or Activities Prohibited
- ▶ § 106.31 Education programs or activities.
- ▶ (a) General. Except as provided elsewhere in this part, no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient which receives Federal financial assistance. This subpart does not apply to actions of a recipient in connection with admission of its students to an education program or activity of (1) a recipient to which subpart C does not apply, or (2) an entity, not a recipient, to which subpart C would not apply if the entity were a recipient.
- ▶ (b) Specific prohibitions. Except as provided in this subpart, in providing any aid, benefit, or service to a student, a recipient shall not, on the basis of sex:
 - ▶ (1) Treat one person differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service;
 - ▶ (2) Provide different aid, benefits, or services or provide aid, benefits, or services in a different manner;
 - ▶ (3) Deny any person any such aid, benefit, or service;
 - ▶ (4) Subject any person to separate or different rules of behavior, sanctions, or other treatment;
 - ▶ (5) Apply any rule concerning the domicile or residence of a student or applicant, including eligibility for in-state fees and tuition;
 - ▶ (6) Aid or perpetuate discrimination against any person by providing significant assistance to any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefit or service to students or employees;
 - ▶ (7) Otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity.
- ▶ (c) Assistance administered by a recipient educational institution to study at a foreign institution. A recipient educational institution may administer or assist in the administration of scholarships, fellowships, or other awards established by foreign or domestic wills, trusts, or similar legal instruments, or by acts of foreign governments and restricted to members of one sex, which are designed to provide opportunities to study abroad, and which are awarded to students who are already matriculating at or who are graduates of the recipient institution; Provided, a recipient educational institution which administers or assists in the administration of such scholarships, fellowships, or other awards which are restricted to members of one sex provides, or otherwise makes available reasonable opportunities for similar studies for members of the other sex. Such opportunities may be derived from either domestic or foreign sources.
- ▶ (d) Aid, benefits or services not provided by recipient. (1) This paragraph applies to any recipient which requires participation by any applicant, student, or employee in any education program or activity not operated wholly by such recipient, or which facilitates, permits, or considers such participation as part of or equivalent to an education program or activity operated by such recipient, including participation in educational consortia and cooperative employment and student-teaching assignments.
 - ▶ (2) Such recipient:
 - ▶ (i) Shall develop and implement a procedure designed to assure itself that the operator or sponsor of such other education program or activity takes no action affecting any applicant, student, or employee of such recipient which this part would prohibit such recipient from taking; and
 - ▶ (ii) Shall not facilitate, require, permit, or consider such participation if such action occurs.
- ▶ (Authority: Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)
- ▶ [45 FR 30955, May 9, 1980, as amended at 47 FR 32527, July 28, 1982; 65 FR 68056, Nov. 13, 2000]

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.

- Activities managed or sponsored by the school, including athletics, discipline, facilities, admissions, awards, academics, extracurricular programs.
- On school property, or during a school-sponsored event or activity
- Games/practices, organization competition/events, school transportation, field trips, virtual learning environments

Let's read the policy together...

Board Policy [FFH\(Local\)](#)

34 CFR 106: Behaviors

Definition (2020) specifies three categories of prohibited conduct

- 1. Quid Pro Quo – *(something for something)* - conditions an educational benefit or service on individual's participation in unwelcome sexual conduct,
- 2. 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 recipients' education program or activity; or
- 3. Sexual violence (Clery Act) – Sexual assault, domestic violence, dating violence, stalking.

1. Quid Pro Quo violations

REPORT to
H.R. and
Title IX
Coordinator

Faculty and Staff giving privileges for sexual relationship

Make no assumptions about gender of victim or perpetrator.

Staff will be put on leave and, if determined to be responsible, will face termination.



2. Hostile environment violations



- Most typical: student on student. Not exclusively.
- 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
- Physical aggression, threats, intimidating conduct based on a person's actual or perceived sexual orientation or gender identity
- Obscene phone calls, texts, emails, social media posts

Sex-based Discrimination includes Hostile Environment

► This is where most of our violations come from—not from different treatment, disparate treatment, retaliation, or failure to accommodate, but rather in what people (mostly students, but not exclusively) do....we don't control much of that. We can influence, but kids do things.

► When we allow a hostile environment to persist, we are allowing one party to miss their opportunities. When it's based on sex, it's sex-discrimination, and that is how harassment moves from "simple harassment" or from "bullying" to being a Title IX violation.



3. Sexual Violence violations

- 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

Retaliation

- Retaliation based on a Title IX matter should also be reported. Retaliation (for any matter) is prohibited.
- Title IX retaliation is reported to me and there are things we do under Title IX (document, process, etc.) if retaliation is alleged to have occurred.



Respond



How do you respond to a report of sex-based discrimination in that moment?

5. Start your documentation

1. Listen to the complainant

Do not be dismissive. Do not presume boys can't be victims of sex-based discrimination. Do not make biased judgments on the truth of the report.

2. Validate

Affirm the student for reporting.

Classroom management, separation right away, whatever is appropriate.

3. Clarify

Ask enough questions, but not too many, to understand if it deals with sex in any way.

Do NOT over-investigate.

4. Help Student

Get him/her to admin or counselor asap

Contact CPS/law enforcement as required or applicable

Do not discipline

- Why not?
 - Must preserve rights of both parties: the victim and the accused.
 - Regulations say we must wait until determination of responsibility is made
- What *can* I do?
 - Supportive with appropriate referrals to counselor, agencies, medical help
 - Consult with Title IX Coordinator when making that contact (reporting process requires)

Do not investigate

- Why not?
 - Because in most cases we must allow the complainant (parent) to decide whether to file a formal complaint.
 - Formal complaints mandate that we follow certain processes.
 - If there is no formal complaint, we follow other processes.
- What *can* I do?
 - Take complainant's statement
 - Ask enough questions to know it's a sex-based something, and then stop.
- What about losing evidence?
 - Let's try not to do that. But call me first. Do not...do NOT pull witnesses out of class to get statements before you call me. Call me FIRST.

Report



Mandated Reporting

Teacher has to report to me...and you. Get on phone together? Laserfiche?

A note about confidentiality...

To whom?

- TIX Coordinator
- HR
- CPS
- Law Enforcement

When?

- Asap
- Immediately
- 24 hours

How?

- Title IX Coordinator
 - Phone
 - Email
 - In person
 - Laserfiche
- Admin
 - Document
- Documentation Trail

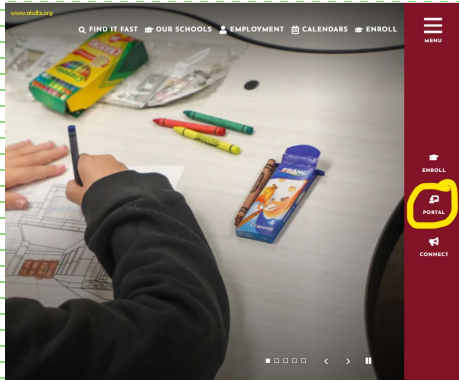
Supportive Measures

MUST be documented AND implemented.

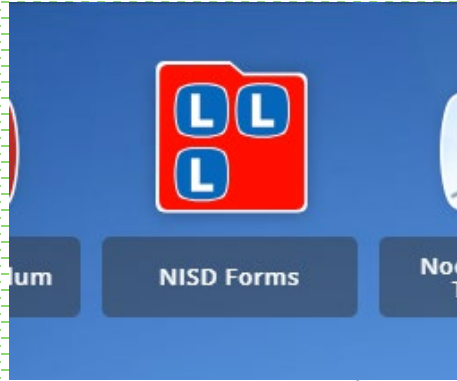
- Must be in consultation with Title IX Coordinator (training, and reqs to include certain individuals).
- Just because you put suggested supportive measures in Laserfiche doesn't mean they are final. They are giving me an idea of what you might like.
- Communicate confidentially to the people who will implement them. Bus drivers, too.

Where is the Laserfiche form for reporting?

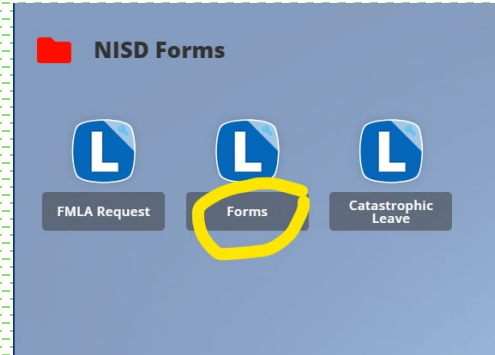
1. Portal



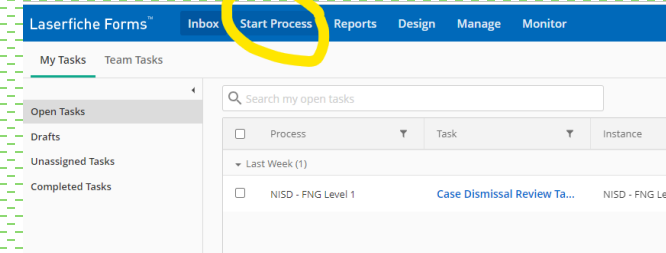
2. NISD Forms



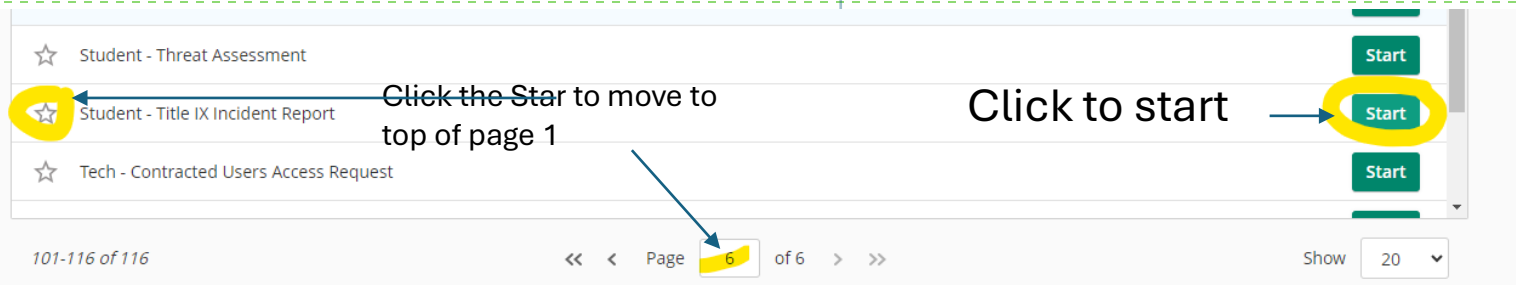
3. Forms



4. Start Process



5. Student – Title IX Incident Report



Completing the Form...all info*

Northwest

INDEPENDENT SCHOOL DISTRICT

Title IX Incident Report

Message Start Event

Title IX Incident Report

Prior to submitting this form, please contact Dr. Cindy Bauter, Executive Director of Student Affairs at 817-215-0567.

Cu

NISDTX\cynthia.bauter

Submitted by

Bauter, Cindy

Date Coordinator Contacted*

Incident Location*

Campus/Department*

Investigating Administrator*

Was law enforcement contacted?*

Explanation of the Incident*

Video Secured?*

Alleged Victim/Complainant Accommodations* 	
Alleged Perpetrator/Respondent Accommodations* 	
Alleged Victim/Complainant Student ID* 	
Alleged Victim/Complainant Last Name* 	Alleged Victim/Complainant First Name*
Reported Alleged Perpetrator/Respondent Student ID* 	
Reported Alleged Perpetrator/Respondent Last Name* 	Reported Alleged Perpetrator/Respondent First Name*
Witnesses* 	
If none, enter N/A.	
Is this a pattern or isolated incident?* 	
Supportive measures taken for alleged victim/complainant* 	
Measures taken for alleged perpetrator/respondent* 	
Supporting Documents Upload	
Previous	Next
Submit	

Cautionary Tale A

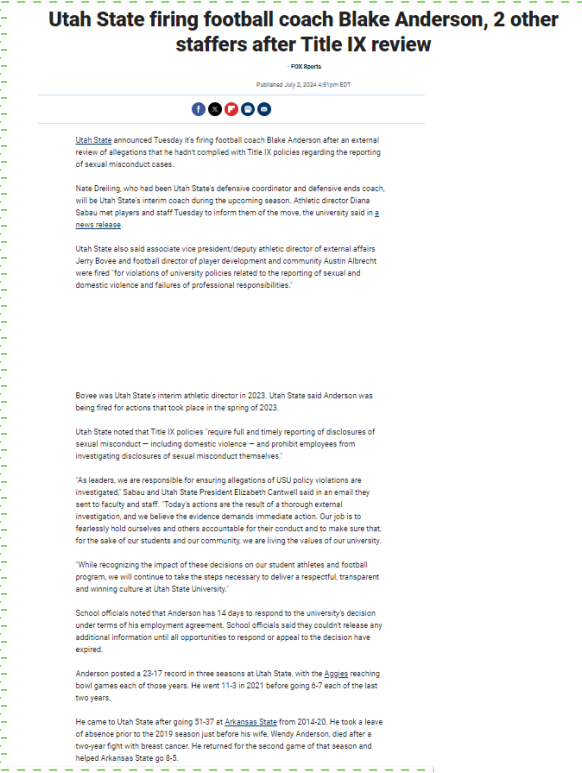


- Discipline cannot be issued until the end of the investigation.
- If you have a team and there is a Title IX violation, you will keep both players until the end of the investigation.

Implications to community

Prevention

Cautionary Tale B



If you are the recipient of a report of sex-based discrimination, you must report it to me and/or your campus admin. **You do not decide whether it's factually accurate.**

If you *witness* sex-based discrimination (you know it to be factually accurate), **you must report it to me and/or your campus admin.**

- Don't coverup.
- It's not yours to investigate if it falls under Title IX. Maybe under every other non-sex-based situation, but not Title IX.
- Old allegations may still be pursued.

Remediate



Tips, takeaways, & questions

- ▶ Prevention is so much better than remediation or supportive measures
 - Unstructured
 - Loosely supervised
- ▶ Report (over-report if you are going to make a reporting error).
- ▶ Support.
- ▶ Do not be deliberately indifferent.
- ▶ Questions?



NEW: Liability HB4623

Sec. 118.002. LIABILITY. (a) A public school that is grossly negligent or reckless, or engages in intentional misconduct, in hiring, supervising, or employing a professional school employee is liable for an act or omission that is committed by the employee against a student enrolled in the school and that is:

(1) sexual misconduct; or

(2) failure to report suspected child abuse or neglect under Section 261.101, Family Code.

Before I communicate (electronically!) with a student:

- ☐ Am I authorized to do so?
- ☐ Is my communication within the scope of my district duties? (Was I hired to do this?)
- ☐ Is my communication consistent with the Texas Educators' Code of Ethics and all district policies/regulations?

The policy is in Board Policy DH (Local) and the Employee Handbook.

Educator Ethics



Standard 1.5—Watch the Gifts

The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or to obtain special advantage. This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents of students, or other persons or organizations in recognition or appreciation of service.

Consequences for Employee Misbehavior

Texas now *requires permanent revocation* of the certificate of an educator who solicited or engaged “in sexual contact or [a] romantic relationship with a student or minor” (19Tex. Admin. Code 249.17(i)(1&2).

-Loss of Retirement Benefits

-2nd degree felony, 10-20 years, \$10,000

- Do not place yourself in a vulnerable position with students.
- Do not engage students in electronic communication that is not part of your job responsibility.
- Stay mindful of how multiple relationships can affect your professional conduct and career.

Consequences for *Innocent Colleagues*

If an innocent educator is aware that another teacher engaged in sexual misconduct with a student, and the educator “assists” that teacher in getting another job at a school, the innocent educator can have his own certificate suspended or revoked, along with “other sanctions” determined by SBEC. For their own protection, educators should be careful not to write recommendation letters or serve as references for teachers who engaged in improper relationships with students.

Reporting Colleagues

If you suspect a child is being groomed by a school employee, you must report your suspicions to your campus administrator. You should not wait until you have concrete evidence of abuse. If you wait until you have concrete evidence, the relationship may progress from anticipatory grooming to sexual abuse.

When your report is received, parents will be notified immediately, and a thorough investigation will be done. If the suspicions are confirmed, law enforcement will be notified, the employee will be terminated, and the educator will be reported to the Texas Education Agency for further investigation and possible sanctions on his or her certificate. Counseling may be offered to the student.

If you suspect a child is being groomed by someone outside the District, like a youth minister or Little League coach, you should report your suspicions to law enforcement and notify the child's parents promptly.

IMPORTANT

Teachers and school administrators have a legal duty to report **suspected** child abuse and neglect. If you have reason to suspect that a child is being abused, you must report this to police or the Department of Family Protective Services within **24 hours**. Experienced educators will recall that the law used to allow 48 hours to make a report of suspected child abuse. Beginning September 1, 2025, the report must be made within 24 hours. The report can be made by phone or on-line at: https://www.dfps.state.tx.us/Contact_Us/report_abuse.asp

Educators who fail to report **suspected** child abuse can face serious criminal penalties, including jail time of up to 180 days, a fine of up to \$2,000, or both jail time and a fine.

What a superintendent must report

(B) ~~(A-1)~~ was involved in or solicited a romantic relationship with or solicited or engaged in sexual contact with a student or minor;

(C) engaged in inappropriate communications with a student or minor, as defined by board rule;

(D) failed to maintain appropriate boundaries with a student or minor, as defined by board rule;

(A) abused or otherwise committed an unlawful act with a student or minor, including by engaging in conduct that involves physical mistreatment or constitutes a threat of violence to a student or minor and that is not justified under Chapter 9, Penal Code, regardless of whether the conduct resulted in bodily

(B) ~~(A-1)~~ was involved in or solicited a relationship with or solicited or engaged in sexual contact with a student or minor;

(C) engaged in inappropriate communications with a student or minor, as defined by board rule;

(D) failed to maintain appropriate boundaries with a student or minor, as defined by board rule;

(E) ~~(B)~~ possessed, transferred, sold, or distributed a controlled substance, as defined by Chapter 481, Penal Code, or by 21 U.S.C. Section 801 et seq.;

(F) ~~(C)~~ illegally transferred, appropriated, or otherwise disposed of real or other property of the entity ~~[school-district, school, independent school district, charter school, other charter entity, service-center, or shared-services-arrangement];~~

(G) ~~(D)~~ attempted by fraudulent or unauthorized means to obtain or alter a professional certificate or license for the purpose of promotion or additional compensation; or

(H) ~~(E)~~ committed a criminal offense or any part of a criminal offense on school property or at a school-sponsored event;



REPORT THE THINGS.

Title IX Coordinator: Cindy Bauter

817.215.0567

Cynthia.Bauter@nisdtx.org

District Administrative Legal Counsel Office