

Title IX

Presentation to All Coaches

Northwest ISD

July 24, 2025

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Title IX Coordinator

Agenda

- Title IX Coordinator Contact
- Review Law and Regulations
 - Equity in Access
 - Sexual Harassment
- Data and Examples
- Your Responsibility
- New Laws 2025

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The Law

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

The Regulations

34 CFR 106.41

- **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

Facilities

Teams

Practice time

Coaching staff

The Regulations

34 CFR 106.30

§ 106.30

Title IX Coordinator as described in § 106.8(a).

Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Consent. The Assistant Secretary will not require recipients to adopt a particular definition of consent with respect to sexual assault, as referenced in this section.

Formal complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator under § 106.8(a), and by any additional method designated by the recipient. As used in this paragraph, the phrase "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the recipient) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party under this part or under § 106.45, and must comply with the requirements of this part, including § 106.45(b)(1)(iii).

Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

(1) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;

(2) 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; or

(3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The recipient must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

(b) As used in §§ 106.44 and 106.45:

Elementary and secondary school means a local educational agency (LEA), as defined in the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act, a preschool, or a private elementary or secondary school.

Postsecondary institution means an institution of graduate higher education as defined in § 106.2(l), an institution of

34 CFR Ch. I (7–1–20 Edition)

Sexual Harassment

Definition (2020)

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.

Retaliation

Prohibited.

NISD violations in Athletics/PE

Quid Pro Quo

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

Educator to student...

Sexual Grooming



Sexual Harassment

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:

Sexual Violence/Clery Act

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

Examples:

What to do with a report of sex-based discrimination?

- 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.
- Validate
 - Affirm the student for reporting.
 - Classroom management, separation right away, whatever is appropriate.
- Clarify
 - Ask enough questions, but not too many, to understand if it deals with sex in any way.
- Help Student
 - Get him/her to admin or counselor asap
 - Contact CPS/law enforcement as required or applicable
- REPORT!!!!

What *not* to do:

- Discipline (hold up!)
- Over-investigation
- Keep it to yourself
- Try to fix it internally

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

— FOX Sports

Published July 2, 2024 4:51pm 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.

Mandated reporting

To whom?

- Admin
- TIX Coordinator
- Directors
- HR
- CPS
- Law Enforcement

When?

- Asap
- Immediately
- 24 hours

Method of reporting

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

Tips & Takeaways

- Prevention is so much better than remediation or supportive measures
- Watch the loosely supervised/unstructured moments
- If you're going to mess up, over-report.
- Support the students—complainant and respondent have rights.
- Do not be deliberately indifferent.

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.

(b) In an action against a public school under this chapter, the professional school employee who committed the act or omission on which the claim is based must be named as a defendant.

Sec. 118.003. DAMAGES. A claimant who prevails in an action under this chapter shall be awarded actual damages in a maximum amount of \$500,000 for each claimant.

Sec. 118.004. COURT COSTS AND ATTORNEY'S FEES. A party who prevails in an action under this chapter is entitled to:

(1) court costs; and

(2) reasonable and necessary attorney's fees.

Sec. 118.005. REMEDIES NOT EXCLUSIVE. The remedies authorized by this chapter are in addition to any other legal remedies.

Sec. 118.006. WAIVER OF GOVERNMENTAL IMMUNITY; OFFICIAL IMMUNITY ABOLISHED. (a) A public school's governmental immunity to suit and from liability is waived to the extent of liability created by this chapter.

(b) A professional school employee may not assert official immunity under Subchapter B, Chapter 22, Education Code, the common law, or any other law in an action brought under this chapter.

What is “sexual misconduct”?

- Trafficking of persons (Texas Penal Code §20A.02)
- Continuous sexual abuse of young child or disabled individual (§21.02)
- Public lewdness (§21.07)
- Indecent Exposure (§21.08)
- Indecency with a child (§21.11)
- Improper relationship between educator and student (§21.12)
- Invasive visual recording (§21.15)
- Unlawful disclosure or promotion of intimate visual material (§21.16)
- Unlawful production/distribution of certain sexually explicit videos (§21.165)
- Voyeurism (§21.17)
- Sexual coercion (§21.18)
- Unlawful electronic transmission of sexually explicit visual material (§21.19)
- Sexual assault (§22.011)
- Indecent assault (§22.012)
- Aggravated sexual assault (§21.021)
- Sexual performance by a child (§43.25)

Reporting suspected child abuse/neglect (SB571)

SECTION 1.30. Sections 261.101(b) and (d), Family Code, are amended to read as follows:

(b) If a professional has reasonable cause to believe that a child has been abused or neglected or may be abused or neglected, or that a child is a victim of an offense under Section 21.11, Penal Code, and the professional has reasonable cause to believe that the child has been abused as defined by Section 261.001, the professional shall make a report not later than the 24th ~~[48th]~~ hour after the hour the professional first has reasonable cause to believe that the child has been or may be abused or neglected or is a victim of an offense under Section 21.11, Penal Code. A professional may not delegate to or rely on another person to make the report. In this subsection, "professional" means an individual

- 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.

19Tex. Admin. Code 249.17(i)(1&2)

updated May 2025

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.”

- 2nd degree felony, prison time, \$10k fine.
- 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.

Our responsibility as 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.

SB 571: Misconduct that a superintendent must report to SBEC

(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

ment or constitutes a threat of violence that is not justified under Chapter 9, whether the conduct resulted in bodily

~~[(A-1)]~~ was involved in or solicited a or solicited or engaged in sexual minor;

gaged in inappropriate communications with ined by board rule;

lled to maintain appropriate boundaries s defined by board rule;

~~[(A-1)]~~ possessed, transferred, sold, or substance, as defined by Chapter 481,

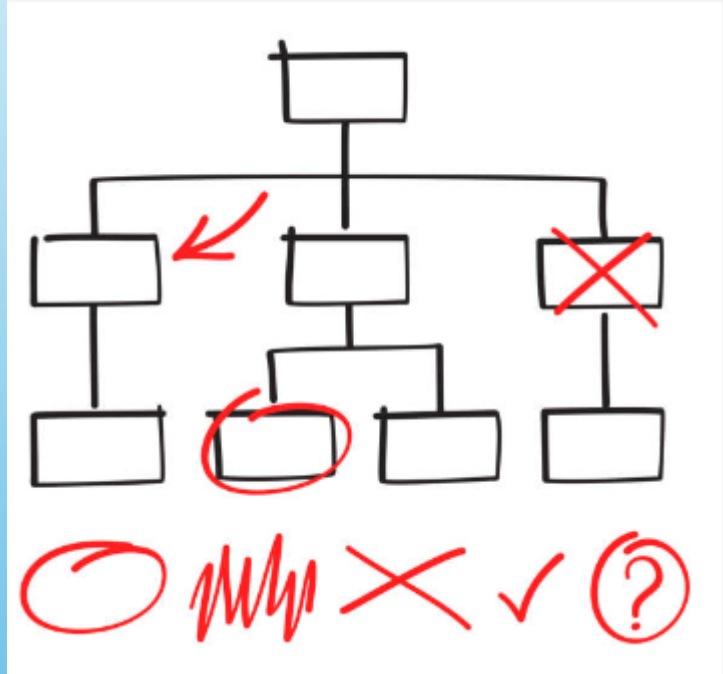
Health and Safety Code, or by 21 U.S.C. Section 801 et seq.;

(E) ~~[(A-2)]~~ illegally transferred, appropriated, or expended funds or other property of the entity ~~[school-district, district-of-innovation, charter school, other charter entity, service-center, or shared-services arrangements];~~

(G) ~~[(A-3)]~~ 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) ~~[(A-4)]~~ committed a criminal offense or any part of a criminal offense on school property or at a school-sponsored event;

Is all of this Title IX?



YES!!!

If you are going to make an error....

You are not the _____.

When you call Bauter, do not _____; her position exists to support you in situations like these.

Do not be delib- - - - - indiff- - - - -.

Other Legal Things

- [Vapes](#) (HB 6, pg 7) – can't DOI Ch37, so either discretionary DAEP or 10 days ISS. Principals will determine. THC still goes—no change on drugs.
- Parents can request OSS become ISS. Principal discretion. ([HB6](#))
- Parent permission slips now required for EVERY club. ([SB12](#))
- [SB12](#):
 - No assistance with gender transitions
 - No DEI initiatives
 - No instruction on sexual orientation or gender identity
- Prior consent for recording ([SB12](#))
- Cannot withhold PE or recess for disciplinary purposes ([SB25](#))

I am here to help.
Recognize.
Report.
Don't be deliberately indifferent.

