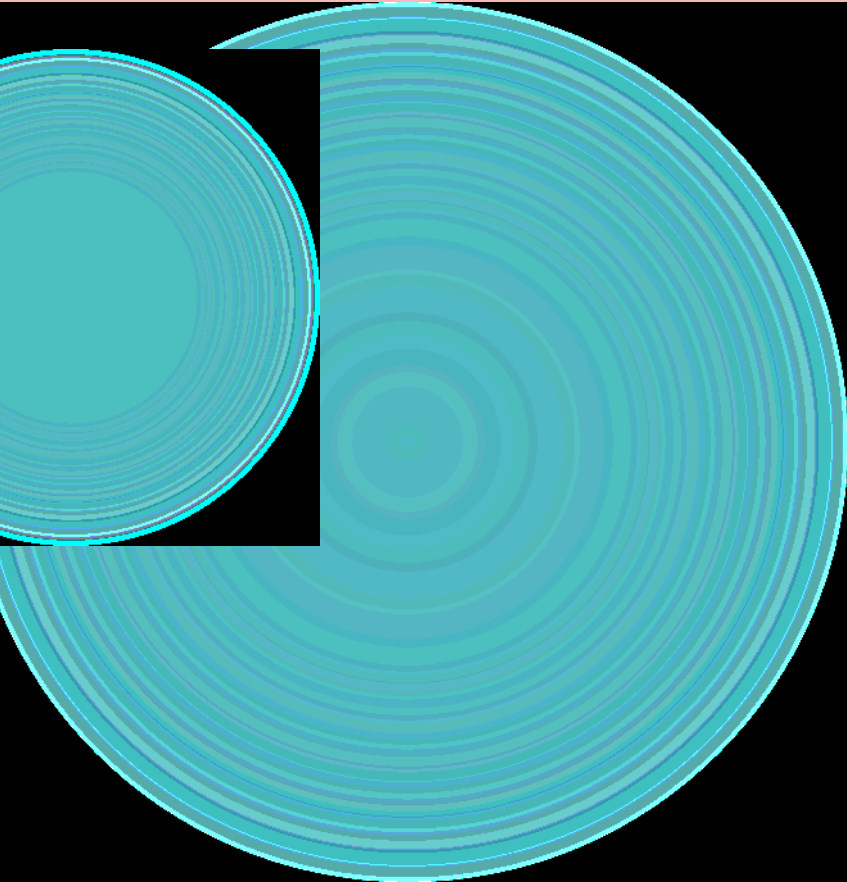


Title IX

ECTOR COUNTY
INDEPENDENT
SCHOOL DISTRICT
2026-2027



WHAT IS TITLE IX?

- ▶ Title IX of the Education Amendments of 1972 is a federal law that prohibits discrimination on the basis of sex in education programs or activities operated by recipients of federal funds.

TITLE IX PROHIBITS

- ▶ Sex Discrimination

- ▶ Sexual Harassment (sexual harassment is unwelcome conduct of a sexual nature)

- ▶ Sexual advances
- ▶ Requests for sexual favors
- ▶ verbal, nonverbal, or physical conduct of a sexual nature
- ▶ Crude language or jokes

What does Title IX cover?

Discrimination based on:

- Sex stereotypes,
- Sex characteristics,
- Pregnancy or related conditions,
- Sexual orientation, and
- Gender identity.

Sex based harassment:

- Quid pro quo harassment,
- Hostile environment harassment,
- Sexual assault,
- Dating violence,
- Domestic violence, and
- Stalking.

WHERE does Title IX cover?

Under the Title IX regulations, ECISD is required to address a sex-based hostile environment in its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred **outside** the district's education program.

- Downstream or in-program effects of external conduct

What is sexual harassment?

NEW 2024 LEGAL DEFINITION:

Sexual Harassment is defined as unwelcome sex-based conduct that is **sufficiently severe or pervasive** that, based on the totality of the circumstances and evaluated subjectively and objectively, it denies or limits a person's ability to participate in or benefit from the district's education program or activity.

What Does Sexual Harassment Look Like?

- ▶ The person engaging in harassing behavior is often in a position of power, influence, or authority over the individual toward whom the conduct is directed.
- ▶ Questionable conduct is more likely to be harassment if it is repeated.
- ▶ Sexual harassment can also be based on power and intimidation as opposed to sexual interest.

Examples of Sexual Harassment Verbal, Non-Verbal, or Physical

- ▶ Sexual propositions and advances
- ▶ Vulgar Language
- ▶ Sexual Touching
- ▶ Embarrassing Questions
- ▶ Sexual Jokes
- ▶ Discussing Sexual Activity or the Lack of Sexual Activity

This list is not intended to be all inclusive

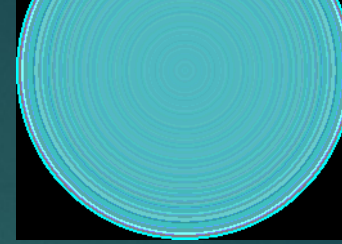
Responding to Sexual Harassment

- ▶ Sexual harassment is unlikely to stop until confronted.
- ▶ In some cases, this may mean informing the person directly that his or her actions are offensive and unwelcome.
- ▶ Other situations may require an informal talk from a supervisor, a formal reprimand, or a disciplinary hearing.

Intent vs. Effect

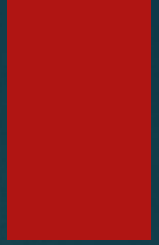
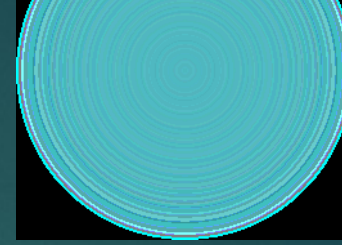
- ▶ The intent of the person who engages in sexual harassment is irrelevant; the investigation focuses on how the recipient feels about the behavior.

QUIZ TIME



TRUE OR FALSE

1. Sexual harassment means bothering someone in sexual way.



TRUE

- ▶ Sexual harassment is any unwanted act or behavior that is sexual in nature that negatively affects the recipient's work or academic environment. If the conduct is not sexual in nature, it may be another form of harassment.

TRUE OR FALSE

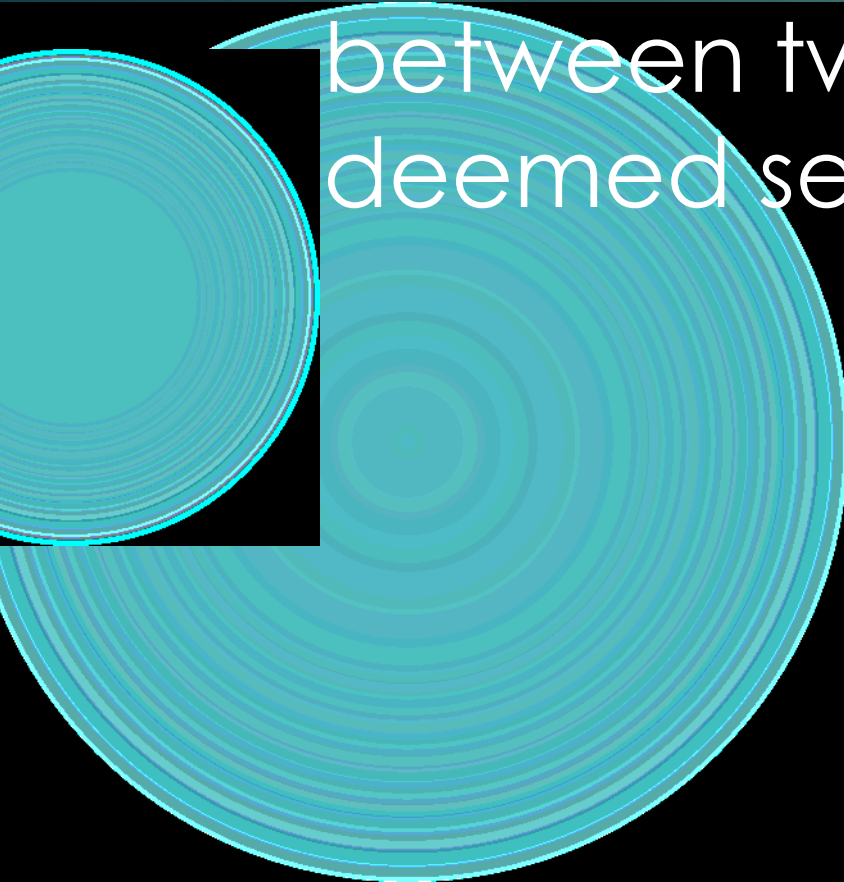
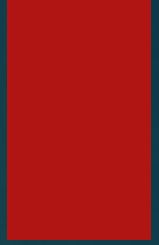
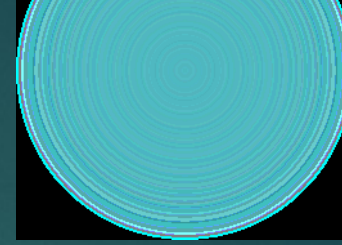
- ▶ Sexual harassment must persist over a long period of time to be considered actionable.

FALSE

- ▶ A single incident can be considered sexual harassment. Quid pro quo harassment can occur in only one incident as can hostile environment sexual harassment if the single incident is severe enough.

TRUE OR FALSE

- ▶ A consensual sexual relationship between two people cannot be deemed sexual harassment.

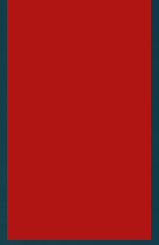
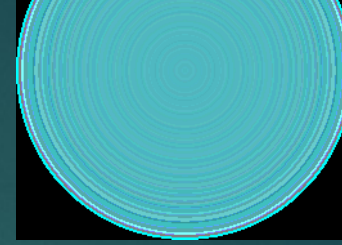


FALSE

- ▶ The issue is not one of consent. The issue is whether the advances are welcome. One may consent and yet not welcome the advances.
- ▶ In situations involving two people of unequal status, a subordinate may be unable to refuse sexual advances due to the fear of adverse employment or education action.

TRUE OR FALSE

- ▶ Sexual harassment can be perpetrated by a subordinate against his or her supervisor.



TRUE

- ▶ Even though instances of sexual harassment most often involve a power differential, it is not necessary for the harasser to have more power or authority than the victim. A subordinate employee can create a hostile environment for his or her supervisor.

TRUE OR FALSE

- ▶ If you believe you have been sexually harassed, you need **NOT** personally confront the harasser to give him/ her a chance to correct the behavior before reporting the conduct.

TRUE

- ▶ There is no requirement that a person who has been harassed personally confront the harasser with objections to the conduct.

TRUE OR FALSE

- ▶ You make a sexually charged joke at work. Your co-workers all seem to laugh and enjoy that humor. This does not constitute sexual harassment since it is not “unwelcome” conduct.

FALSE

- ▶ The test has two components:
 - ▶ 1. victim's subjective standard, and
 - ▶ 2. reasonable person's objective standard.
- ▶ The victim could allege he or she laughed to avoid an adverse reaction from the rest of the co-workers or supervisor. In addition, the reasonable person test would consider the severity and pervasiveness of the joke(s).

Whose responsibility is it to report?

- ▶ All employees **must immediately/promptly** report all instances of suspected sexual harassment/discrimination to a campus administrator or department director.
- ▶ Failure to report alleged sexual harassment will result in disciplinary action up to termination.
- ▶ If the incident could be child abuse, the employee **MUST** report to Child Protective Services (CPS) or law enforcement within 24 hours of learning of the incident.

How to report sexual harassment

- ▶ Immediately contact your campus administrator.
- ▶ If unable to report to campus administration, you may report to the ECISD Title IX Office at (432) 456-9351.

When does liability attach for employee harassment?

- ▶ A school district or individual administrator may be liable for the sexual harassment of an employee when ***the administrator knew or should have known of the harassment and failed to take prompt, remedial action.***

When does liability attach for student sexual harassment?

- ▶ A district or individual administrator will face liability when the administrator acts with **Deliberate Indifference**.

- ▶ Deliberate Indifference occurs when a school has actual knowledge of sexual abuse, harassment/discrimination, (or allegations) yet does not adequately respond.

JUST DON'T

- ▶ Hugs, squeezes, grabs, winks, tickling, kisses
- ▶ Holding or putting students on your lap
- ▶ Driving students
- ▶ Zipping Pants and changing undergarments – may be required in some Special Education environments. **Always have an adult witness.**

DO NOT TAKE CHANCES!

- ▶ DO NOT engage in social media with students. This includes all forms of social media including but not limited to Snapchat, X (Twitter), Instagram, Facebook.
- ▶ DO NOT Text with students. You are to utilize only school/school activity approved platforms. (Example: SportsU, Band App etc.)
- ▶ DO NOT email with students from your personal email.
- ▶ DO NOT send or receive pictures from students
- ▶ DO NOT give unwanted gifts to students.

PROTECT YOURSELF

DON'T

- ▶ Mix social life with job-related decisions
- ▶ Talk about sex on the job
- ▶ Respond to seductive behavior (You should report it!)
- ▶ Be alone with a student
- ▶ Engage in SOCIAL MEDIA with students!!
- ▶ TOUCH STUDENTS AT ALL UNLESS NECESSARY

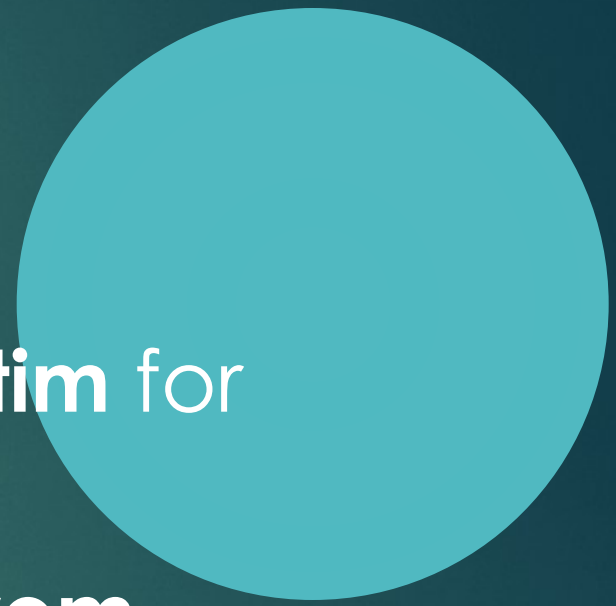
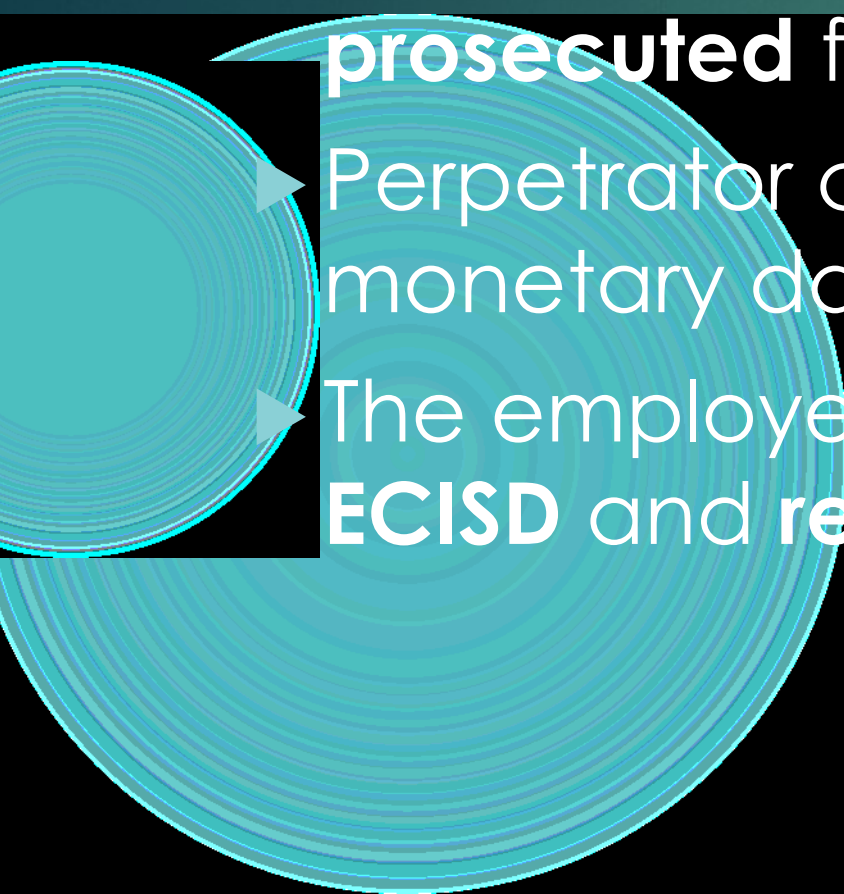
PROTECT YOURSELF

ALWAYS

- ▶ Report any outside contact initiated by students
- ▶ Keep all actions job-related
- ▶ Keep compliments merit based
- ▶ Model expected behavior
- ▶ Keep your hands to yourself
- ▶ AVOID PERSONAL RELATIONSHIPS with STUDENTS



What will happen to a school employee who sexually harasses or abuses a student?

- ▶ The employee will be **arrested and prosecuted** for the crime.
 - ▶ Perpetrator can be **sued by the victim** for monetary damages
 - ▶ The employee will be **TERMINATED from ECISD** and **reported to TEA and SBEC**
- 
- 

Filing A Complaint –Considerations

1. The complainant's **request not to proceed** with initiation of a complaint
2. The complainant's **reasonable safety concerns** regarding initiation of a complaint
3. The **risk that additional acts of sex discrimination would occur** if a complaint is not initiated
4. The **severity of the alleged sex discrimination**, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence
5. The **age and relationship of the parties**, including whether the respondent is an employee of the district
6. The **scope of the alleged sex discrimination**, including information suggesting a **pattern**, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals
7. The **availability of evidence** to assist a decision maker in determining whether sex discrimination occurred
8. Whether **the recipient could end the alleged sex discrimination** and prevent its recurrence without initiating its grievance procedures

Investigation

School districts must provide for an adequate, reliable, and impartial investigation.

- **The burden is on the district to investigate and gather sufficient relevant evidence.**
- Equal opportunity must be given for parties to:
 - Provide fact witnesses and detailed, relevant evidence.
 - Have access to the relevant evidence.
 - Have reasonable opportunity to respond to the evidence.

Supportive Measures

Supportive Measures are **non-disciplinary, non-punitive** individualized services 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.

Examples of Supportive Measures:

- ▶ Counseling
- ▶ Mutual Restrictions: Stay Away Agreement
- ▶ Modification of Schedule
- ▶ Increased Monitoring or Supervision
- ▶ Early or Late release from class
- ▶ Change of campus if appropriate

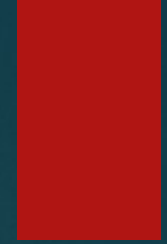
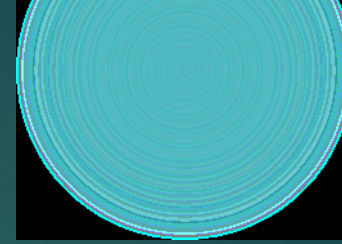
Informal Resolutions

- Prior to determination, districts may offer informal resolution.
- Informal resolution is **NOT** permitted in situations in which an employee is accused of sex discrimination against a student

Informal Resolutions

- Participation in informal resolution **must be voluntary**.
- The facilitator for the informal resolution process must not be the same person as the investigator or the decision maker in the recipient's **grievance procedures**.
- Any person designated by the district to facilitate an informal resolution process **must not have a conflict of interest or bias** for or against complainants or respondents, and must be trained.

Dismissal of a Complaint



The school district may dismiss a complaint for any of the following reasons:

1. The district is **unable to identify the respondent** after taking reasonable steps to do so;
2. The respondent **does not attend/is not employed by the district**;
3. The **complainant voluntarily withdraws the complaint**, and the Title IX Coordinator determines not to continue the complaint on their behalf;
4. The recipient determines the conduct alleged in the complaint, even if proven, **would not constitute sex discrimination/assault under Title IX**



Retaliation

- Retaliation would be defined as intimidation, threats, coercion, or discrimination against anyone because the person has reported possible sex discrimination, made a sex-discrimination complaint, or participated in any way in a recipient's Title IX process.
- A district would be prohibited from taking action against a student or employee under its code of conduct for the purpose of intimidating, threatening, coercing, or discriminating against someone because they provided information or made a complaint regarding sex discrimination.
- This includes "Peer retaliation" – retaliation by one student against another student or one employee against another employee.

Parental, Family, or Marital Status, Pregnancy or Related Conditions

- We cannot treat students, employees, or applicants differently based on sex in connection with parental, family, or marital status
- Requires us to take actions to prevent sex discrimination and ensure equal access to the education program or activity, such as by providing reasonable modifications for students, reasonable break time for lactation for students and employees, and lactation space for students and employees.

Prevention/Elimination of Harassment is Everyone's Responsibility

- ▶ If you see it report it.
- ▶ Treat all allegations seriously!
- ▶ Keep a record of any actions you take to stop/report sexual harassment
- ▶ If the allegation involves abuse you must CONTACT ECISD POLICE AND CPS. Be sure to document the case number(s) provided to you following a report.

ECTOR COUNTY ISD
TITLE IX
COORDINATOR

Dr. Jessica Southern
Human Resources
(432) 456-9351

- ▶ It's just 37 words, 37 plain and grammatically clunky words hiding inside a large education bill, 37 words that didn't seem to be a big deal at the time, 37 words that would change everything:

"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 educational program or activity receiving Federal financial assistance."

