

Title IX: What All BISD Staff Should Know

Brazosport Independent School District

FFH(LEGAL)
FFH(LOCAL)
FFH(EXHIBIT)

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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 subject to discrimination under any education program or activity receiving federal financial assistance.”

Issues That Fall Under Title IX

- Sex discrimination
- Gender-based discrimination
- Gender-based harassment
- Gender-based bullying
- Gender-based assault
- Sexual harassment
- Sexual assault
- Domestic violence
- Dating violence
- Stalking
- Retaliation

“ . . . on the basis of sex . . . ”

A school must respond promptly when it has:

- Actual knowledge
- Of sexual harassment
- That occurred within the school's educational program or activity (on or off campus)
- Against a person in the United States

Actual Knowledge

“In elementary and secondary schools,
telling ANY school employee always puts the school on notice.”

Treat knowledge of sex-based harassment
as you would treat knowledge of child abuse.

If you have knowledge of it, you have a legal obligation to report it.

Sexual Harassment Defined

- 1) **Quid Pro Quo:** A school employee conditioning an educational benefit or service on an 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 school's educational program or activity
- 3) **Sexual assault, dating violence, domestic violence, or stalking** as defined under the Clery Act and the Violence Against Women Act

Hostile Environment Considerations

- Degree to which the conduct affected the student's education
- Type, frequency, and duration of the conduct
- Relationship between the victim and the participant
- Number of individuals involved
- Age and sex of the participants
- Size of school, location of incidents, and context
- Other incidents of sex-based harassment
- Must be based on sex
- Must be severe and pervasive and objectively offensive
 - Severe – nature of the harassment
 - Pervasive – frequency and length of time over which harassment has occurred
 - Objectively offensive – reasonable person standard
- Must deprive of educational opportunities
- An isolated incident, if severe, can be sufficient

School District Response

Once the school knows about alleged sexual harassment, the Title IX Coordinator must contact Complainant to provide information regarding:

- Supportive measures that will be offered to both the Complainant and Respondent
- The right to file a complaint
- How to file a formal complaint

School District Response

Once the District receives a formal complaint:

- Emergency removal will be considered, based on risk analysis of immediate threat to physical health and safety of others
- Supportive measures will be made available
- Due Process will be initiated
 - Investigation
 - Decision
 - Grievance
 - Appeals

Schools must follow a grievance process that complies with Title IX regulations before the imposition of any disciplinary sanctions or other actions that are not supportive measures, against a respondent.

How to Report

A person reporting sexual harassment of a student should submit the [BISD Intake Form](#) to Dr. Robin Pelton or contact Dr. Pelton for assistance.

A student Complainant (or parent) who wishes to make a formal complaint should submit the [BISD Formal Complaint Form](#) to Dr. Robin Pelton or contact Dr. Pelton for assistance.

A staff Complainant who wishes to make a formal complaint should submit the [BISD Formal Complaint Form](#) to Kristi Kirschner or contact Mrs. Kirschner for assistance.

More information can be found on:

[The BISD Connect Title IX Webpage](#) (employees)

[The BISD Website's Nondiscrimination & Title IX Webpage](#)