

# The New Era of Title IX

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Raymond School District

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**Presented by:**

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# TRAINING AGENDA

- What we are covering:
  - Brief orientation to Title IX.
  - When do schools have to act under Title IX and who must report.
  - Who is protected by Title IX.
  - Where Title IX applies.
  - Conduct covered under Title IX.
  - Conduct covered under related laws and policies.
  - Overview of policies and procedures.
  - Basics of investigations.
  - Conflicts of interest and bias.
  - Relevance of evidence

# Part One

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## *Title IX Harassment – Where We Have Come From*

# A Brief History of Title IX

- Title IX became law in 1972.
- The law states in relevant part, *“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 U.S.C. § 1681 *et seq.*
- Until 1998, if you asked someone about Title IX, the response would focus on athletics, and particularly on expanded opportunities for female athletes.

# Brief History: The Supreme Court Cases - *Gebser*

- In 1998, the Supreme Court decided *Gebser v. Lago Vista Independent School district*.
- Frank Waldrop, a teacher at Lago Vista, groomed Alida Gebser during her freshman year in high school, and the two began a sexual affair that spring. In January of her sophomore year, a police officer caught them engaging in sexual intercourse.
- Waldrop was arrested, and immediately fired.
- Gebser sued the school district under Title IX, seeking money damages.
- The Court held that where a school has **actual knowledge** of an employee sexually harassing a student but responds to such knowledge with **deliberate indifference**, the school itself has engaged in discrimination, subjecting the school to monetary damages in a private lawsuit under Title IX.
- The *Gebser* case was dismissed.