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***Bostock* and Its Consequences for School Districts – Title VII...and Beyond?**

Presented at the University of Texas School Law Conference

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Roadmap: *Bostock* and Its Consequences

1. Title VII

- Substantive ruling and reasoning
- Standard of Causation
- Effect on the Texas Labor Code
- Effects on school districts as employers

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Roadmap: *Bostock* and Its Consequences (cont.)

2. Title IX

- Brief review of Title IX
- Does *Bostock* affect Title IX?
- Effects on school districts

Bostock – Substance and Reasoning

•Questions Presented

- Does an employer violate Title VII's prohibition on sex discrimination if it takes an adverse employment action against an employee because of that employee's sexual orientation or transgender status?

Bostock – Substance and Reasoning (cont.)

- “because of...sex”
 - “but-for” causation
 - motivating factor
- “sex” in 1964
- “discrimination” in 1964
- focus on individuals, not groups

Bostock – Substance and Reasoning (cont.)

“An employer violates Title VII when it intentionally fires an individual employee based in part on sex.”

Also available as part of the eCourse

[2021 School Law eConference](#)

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