

Training for Title IX Coordinators

Q&A Sheet

The TASB Risk Management Fund's online course, Training for Title IX Coordinators, provides designated Title IX coordinators and other staff members with an in-depth understanding of Title IX of the Education Amendments of 1972, the federal law that prohibits sex discrimination in schools. The course also provides access to the learning tools that will help coordinators and other school district and community college administrators effectively implement Title IX's requirements. Consisting of two modules available on TASB's Online Learning Center, the training begins with an overview of Title IX's requirements and concludes with a focused look at investigating student-to-student sexual harassment.

Part One: Title IX Basics

What is Title IX?

Title IX of the Education Amendments of 1972 is a law that prohibits sex discrimination in any education program or activity receiving federal funds. It specifically states:

No person shall, on the basis of sex, be excluded from participation in, denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal assistance.

Who does it apply to?

Title IX applies to any public or private educational institution that receives federal funds and protects any person taking part in a program or activity of those institutions.

What does Title IX require?

Title IX requires schools and colleges that receive federal funds to provide equal access to their education programs, benefits, and services, regardless of a person's sex. This includes both curricular and extracurricular programs and activities.



It requires schools and colleges to **equitably** provide programs and activities for male and female students.

Do facilities have to be the same for males and females?

No. Title IX requires that schools have comparable facilities. Additionally, the law allows schools and colleges to provide separate bathrooms, showers, and locker rooms on the basis of sex.

How is Title IX applied to students' access to classes and schools?

Title IX prohibits education programs or activities from being provided or carried out separately on the basis of sex. However, there are exceptions to this rule. For instance, boys and girls can have separate instruction regarding human sexuality classes in K-12 schools. Choirs can also be single-sex if the choir separation is based on vocal range or quality.

What are some examples of what it means to have gender equity in instructional programs?

Counseling and career aptitude materials should encourage gender equity, and schools should take steps to promote access to CTE programs regardless of sex. For example, teachers and counselors should not discourage a female student who wants to take a class in a field in which women are underrepresented, such as mechanics or engineering, based on gender stereotypes. Similarly, a male student should not be discouraged from enrolling in a program to prepare him for a career in nursing or early childhood education.

Are schools that are only for boys and girls prohibited by Title IX?

Title IX does not prohibit single-sex education in public K-12 school districts, but it does require that single-sex programs be carried out in an equitable manner. Title IX regulations regarding admissions do apply, however, to vocational schools and colleges.

How does Title IX apply to pregnant and parenting students?

The regulations prohibit schools from applying any rule related to pregnancy, parenting, or marital status differently to male and female students.

If a separate program or activity specifically for pregnant or parenting students is offered, it must be completely voluntary and must be comparable to the programs for other students.

Additionally, pregnancy, childbirth, and related conditions, including termination of pregnancy (abortion), must be treated just like any other temporary medical condition that requires the attention of a physician.

Can a school require a doctor's note from a pregnant student before she competes in a sport?

It depends. Teachers and coaches cannot assume that a pregnant student is unable to participate in an activity. If your school requires a doctor's note in order for a student with another type of temporary medical condition to compete in the activity, then it can require a doctor's note from a pregnant student. The school should not require a doctor's note only because of pregnancy.

How does Title IX apply to athletics?

Title IX does not require your male and female athletic programs to be identical, but it does require that female students are provided with equal athletic opportunities.

What are some examples for how Title IX applies to athletics?

- If only a males' team exists for a non-contact sport, such as baseball or tennis, then girls have to be allowed to try out for that team.
- If you have a males' and females' team for a particular sport, like basketball, Title IX does not give a student the right to switch teams.
- If only a females' team exists for a sport, like volleyball or field hockey, Title IX does not require you to allow boys to join the team. This is mainly because Title IX was designed to increase opportunities for females, the underrepresented sex. However, non-athletic school activities, including dance and cheerleading, should be equally available to male and female students.

What does equal athletic opportunity mean?

This means providing athletic opportunities and levels of competition in a manner that accommodates student interests and abilities. It also means fairness concerning provision of equipment and supplies, scheduling games and practices, coaching, tutoring, publicity, training and support, as well as facilities.

What does Title IX harassment include?

It includes sexual harassment, sexual violence, and gender-based harassment.

- Sexual harassment is unwelcome conduct of a sexual nature.
- Sexual violence is a form of harassment that refers to physical acts done against a person's will or when a person is incapable of consent, including rape and sexual assault.
- Gender-based harassment is unwelcome conduct that is not sexually motivated, but is based on the target's actual or perceived sex.
- Harassment can be verbal, nonverbal, physical, and can include electronic communication.

What is the Title IX Coordinator's role?

Each school or college must designate at least one employee to serve as a Title IX Coordinator. He or she should be a high level administrator.

The coordinator's role includes overseeing compliance, monitoring complaint outcomes, identifying and addressing patterns, and assessing campus climate. The coordinator is also responsible for providing resources and maintaining expertise.

Multiple assistant coordinators may be designated with each coordinator responsible for specific programs such as athletics or specific campuses. Districts and colleges must provide notice of the Title IX coordinator's name or title, office address, telephone number, and email address.

What does Title IX require regarding policies?

Title IX requires all covered institutions to adopt and publish a policy that prohibits sex discrimination, including harassment and retaliation. It also requires adopting complaint procedures that can be used for prompt and equitable resolution of complaints alleging violations of Title IX.

Such policies should have procedures for an employee or student to report an incident of alleged sexual harassment, discrimination, or retaliation to an appropriate person, including the Title IX Coordinator. The policy should also indicate the school district or college's intent to investigate and respond to the alleged incident with appropriate measures.

How is Title IX enforced?

It is enforced through two separate, but related processes: administrative enforcement by the U.S. Department of Education, Office for Civil Rights (OCR) and legal enforcement through lawsuits filed by plaintiffs in federal courts.

Anyone may file a complaint with OCR. The person complaining does not have to be a target of the alleged discrimination or a member of the protected class. Also, OCR may initiate its own investigation to determine whether a school district or college is complying with the federal laws that OCR enforces.

Can there be liability for sex-based harassment?

Yes. A court could find that a school district or college must pay monetary damages to a plaintiff because of a Title IX violation, including a failure to respond appropriately to known harassment based on sex. It is important for Title IX Coordinators to know when their employer can be sued and held liable for violating Title IX.

What is required to show that a school is liable for Title IX sexual harassment violations?

In order to successfully sue a school district or college for monetary damages under Title IX, a plaintiff has to show that the harasser was under the school or college's control and that the school or college had actual knowledge of the harassment.

In the case of student-to-student harassment, the harassment must be so severe, persistent or pervasive, and objectively offensive that the victim was essentially rendered unable to learn or participate in school or college activities.

Lastly, the plaintiff has to show that the school or college responded to the harassment with deliberate indifference.

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