

SASH Club Power Topics Presentation:

Title IX Basics

1969

It might seem hard to believe now, but in the 1960s, before Title IX, female high school students couldn't sign up for "boys' classes," like wood shop or auto mechanics. They could take home economics (aka family and consumer sciences), though, and learn about cooking, shopping, and taking care of a home. Many girls couldn't compete in sports because their schools only had boys' teams. And sexual harassment was considered just something students had to put up with.

2023

Now we expect students of all genders to have equal opportunities to take the same classes and participate in their schools' athletic program. Schools must address sexual harassment, but many do not do so effectively.

Federal laws prohibit discrimination

In the 1960s and 70s the U.S. Government passed laws to protect people from discrimination in the workplace. This made it illegal for government agencies to discriminate against workers and job applicants on the bases of race, color, religion, sex, national origin, disability, or age. In 1972, Congress passed Title IX, prohibiting sex-based discrimination in schools.

What Title IX says

Title IX is written in broad language. Since 1972, the courts have interpreted how Title IX applies to specific cases of sex discrimination in schools. And the U.S. Department of Education has clarified what schools' obligations are under Title IX, including responding to sexual harassment.

Discrimination based on sex means...

Sex discrimination in school means being treated unequally because of your gender, or because a person does not conform to what some people consider "normal" male or female behavior or appearance. Treated unequally includes having to hear offensive sexual comments made about women, men, girls, boys, nonbinary, or gender nonconforming people, or being subject to unwelcome sexual advances, requests for sex, or other verbal or physical harassment that's sexual.

Why must schools follow Title IX? (slide 1 of 2)

Public schools and charter schools receive money from the government for financial aid, free and reduced-price lunches, head start, and other programs.

Why must schools follow Title IX? (slide 2 of 2)

If schools or other educational programs receive any U.S. Government money, they must obey federal non-discrimination laws, including Title IX. The U.S. Department of Education makes sure school districts comply with Title IX. If a school does not follow Title IX, it can lose its federal money, but this penalty is rarely imposed.

Equal access to education means all genders can:

All students must have equal access to their school's program, regardless of sex or gender identity. If a school is aware of a student being disadvantaged because of their sex or gender identity, it must take steps to correct the problem and prevent it from happening again.

Private schools too

The same rules apply to some private schools that receive federal money. Religious schools can ask the Department of Education for an exemption to Title IX.

Title IX applies to many kinds of sexual harassment

Sexual harassment is prohibited by Title IX because it is based on sex and can interfere with a student's access to education. Sexually harassing behavior takes many forms, including sexual assault, sexual hazing, unwelcome sexual touching, inappropriate sexual comments, unwanted sexual messages, cyber-harassment, and sexting. The harasser and harassed student could be of any sexual identity or sexual orientation.

How does Title IX apply to sexual harassment?

The harasser isn't violating Title IX but could be breaking school rules. Title IX applies to educational institutions that receive federal money. It's up to the school to address the harassment and prevent it from recurring.

Levels of sexual harassment (slide 1 of 2)

Not every incident of sexual harassment interferes with a student's education and therefore does not strictly fall under Title IX protections.

Levels of sexual harassment (slide 2 of 2)

Frequent and repeated harassment, or a single occurrence of sexual assault can prevent a student from benefiting from the school's program, and therefore falls under Title IX. What counts is the experience of the harassed student. It does not matter whether the harasser thought it was OK, harmless, not sexual, or thought you liked it, wanted it, or didn't have a problem with it.

What should a school do?

Besides complying with Title IX, schools must also follow their state laws about sexual harassment in schools. And schools themselves might have policies and rules of conduct that prohibit any level of sexual harassment, regardless of whether the harassing behavior would fall under Title IX. Do you know who takes action about Title IX and sexual harassment in your school?

Title IX Coordinator (slide 1 of 2)

Every school district must designate one staff person who ensures that your school complies with Title IX. That person is the Title IX Coordinator, or sometimes called a Title IX Officer or Compliance Officer.

Title IX Coordinator (slide 2 of 2)

The Title IX Coordinator oversees Title IX compliance at all schools in the school district. You can report sexual harassment to the Title IX Coordinator directly.

Locating the Title IX Coordinator

Although every school district has a Title IX Coordinator, it can be hard to find out who that person is and how to contact them.

Locating Title IX Information (slide 1 of 2)

The school's Title IX information should be readily available to all students and families, and easy to locate on the school's website. How easy is it to find the Title IX Coordinator on your district's website?

Locating Title IX Information (slide 2 of 2)

The school district must make its sex discrimination policies readily available to all students and families — on its website, in the student handbook, and by request. It should be clear and understandable, and available in languages spoken by families in the community.

Check in: How well do you know Title IX (1. Basketball jersey)

Under Title IX, students must have **equal opportunity** to participate in school athletic programs. If the school pays for uniforms for the boys' teams, it must provide uniforms for the girls' teams.

Check in: How well do you know Title IX (2. Calculus class)

Schools must not discourage a student from taking courses because of **gender stereotypes**. For example, math is not a "boy's subject," and art is not a "girl's subject."

Check in: How well do you know Title IX (3. Sending nude pictures using mobile devices)

Sending **sexually explicit photos or videos** of oneself or others using mobile devices is a kind of harassment that can be against state regulations, school policies, and Title IX. It can also violate child pornography laws.

Check in: How well do you know Title IX (4. “Toughen up, buttercup”)

Your school cannot ignore you or blame you if you report sexual assault or harassment. Under Title IX, schools must respond to reports of sexual assault or sexual harassment quickly and take appropriate steps to stop the harassment and prevent it from happening again.

Now that you know about Title IX (slide 2, with answers)

- “Title IX prohibits sex discrimination in schools that receive federal money.” **TRUE.**
- “Under Title IX students of any gender must have equal access to education.” **TRUE.** Title IX applies to students of any gender, sexual identity, or sexual orientation.
- “All sexual harassment in schools is illegal under Title IX” **FALSE.** Title IX applies to sexual harassment that interferes with a student’s ability to learn and benefit from the school’s program. Other forms of sexual harassment might be prohibited by state law and school sexual misconduct policy.
- “A student who sexually harasses another student is violating Title IX.” **FALSE.** Title IX applies to educational institutions that receive federal money. It doesn’t apply to harassers.
- “All public-school districts must have a Title IX Coordinator.” **TRUE.**
- “Title IX does not apply to LGBTQ students.” **FALSE.** Title IX applies to students of any gender, sexual identity, or sexual orientation.