

Title IX Fact Sheet for Administrators

Title IX of the Education Amendments of 1972 defined: *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.* Title IX was named the Patsy T. Mink Equal Opportunity in Education Act on October 9, 2002.

Students' Rights under Title IX

Title IX protects students of all genders and sexual orientations from sex discrimination in schools. Students in federally funded institutions, public schools, colleges and universities¹, have a right to an education free from discrimination on the basis of sex, including: equitable access to all academic programs, activities, athletics, course offerings, admissions, recruitment, scholarships, and be free from harassment (including assault) based upon sex, gender, gender identity and expression (real and perceived), and sexual orientation (real and perceived).² Title IX protects students in academic and non-academic activities because of pregnancy, birth, miscarriage, and abortion. Title IX also protects faculty, staff, and whistleblowers from sexual harassment, sex discrimination, and retaliation.³

School policies must provide for prompt and equitable investigation and resolution, including timeframes for resolution and an anti-retaliation statement (Title IX prohibits retaliation against those who file complaints). School policies must specifically indicate that sexual assault, even a single incident, is covered under Title IX. Students have the right to file a complaint with the school if their rights under Title IX are violated. Victims may also file a complaint with the Department of Education's Office for Civil Rights if a school's policies or handling of a complaint are not compliant with Title IX. Victims may also recover monetary damages under Title IX if the school shows *deliberate indifference* in dealing with the discrimination or related retaliation.

Each federally funded institution (school district) must designate a Title IX Coordinator to oversee compliance and grievance procedures. The identity and contact information of the Title IX Coordinator must be made public and be readily available to students, staff, and parents.

What You Should Do

1. Conduct a Title IX compliance review to determine if your school/district is in compliance with Title IX. Examine school policies and procedures, sports scheduling, and facilities to ensure gender equity.
2. Be proactive regarding Title IX compliance.
 1. Conduct trainings for all school staff on Title IX, sexual harassment, and how to intervene when witnessing harassment. Understand that no one invites harassment, and that in order for a behavior to be considered harassment it must be "unwelcome."
 3. Ensure that a Title IX Coordinator is appointed and adequately trained in your school district. Training should include: Title IX regulation and anti-discrimination laws, Title IX case law, grievance procedures, how to establish a positive climate for Title IX and compliance with Title IX.
 4. Ensure that the contact information of the Title IX Coordinator is posted publicly and made available to students, parents, and employees. Posting this information of the district's website would be optimal.
 5. Create an anti-harassment policy that provides details for reporting, investigation, and resolution, and that enumerates categories. Under Title IX, the following are protected: gender, sexual orientation (read and perceived), gender identity and expression (real and perceived). Make sure that other categories are enumerated as well, such as race, class, national origin, ableism, etc. Include an anti-retaliation statement and provide for prompt and equitable investigation and resolution of complaints.
 6. See the Department of Education's Office for Civil Rights "Letter to Colleagues" for more information about your obligation to protect students from harassment in school under Title IX and other anti-discrimination laws:
<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>
 7. See the Department of Education's Office for Civil Rights "Letter to Colleagues" (April 4, 2011) for more information about the responsibility of schools to prohibit sexual violence:
http://www.whitehouse.gov/sites/default/files/dear_colleague_sexual_violence.pdf

¹ Most private institutions are subject to Title IX regulation for their acceptance of federal funds.

² Bullying, sexual harassment, and sexual assault are often conflated or used interchangeably. Such mislabeling does not alleviate schools from responding properly and enforcing Title IX provisions.

³ Schools may have the authority and responsibility to address sexual harassment even if the behavior occurs off campus, and/or in social media and other cyber venues.