

Title IX Fact Sheet for K-12 Students and Parents

Title IX of the Education Amendments of 1972 states: *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.

Your 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 Can Do

1. Investigate whether your school (your child's school) is equitable in terms of sports scheduling and facilities.
2. If you are experiencing sexual harassment, keep a log of times, dates, and specific experiences.
3. Tell your parents, as well as school personnel what is happening.
4. Find your district's anti-harassment policy and become familiar with the policies and procedures for reporting, investigation, and resolution. If the policy does not enumerate protected categories (such as sex; gender; sexual orientation and gender identity, real and perceived), ask responsible school officials to include them. Advocate for the inclusion of all other policies to ensure that a school is compliant with Title IX's prompt and equity mandate.
5. Find out who your Title IX Coordinator is. This information should be made public. If your district does not have a Title IX Coordinator, advocate for the designation and training of one.
6. See the Department of Education's Office for Civil Rights "Letter to Colleagues" (October 26, 2010) for more information about your rights to be free 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.