

Title IX Fact Sheet for Teachers

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. Be proactive rather than reactive regarding Title IX compliance.
2. Avoid sexist and homophobic language.
3. Teach students about gender based discrimination and harassment. Teach them why it is wrong, and of the effects on victims. Discuss the consequences/penalties for perpetrators. Understand that no one invites harassment, and that in order for a behavior to be considered harassment it must be "unwelcome."
4. When students are experiencing sexual harassment, step in. Do not underestimate the power of "teachable moments."
5. Label behaviors harassment/assault as defined by the law. Be careful of defining them as bullying. Bullying is not illegal in some states, and victims cannot recover damages. Students and parents have more recourse when using Title IX protections. However, labeling harassment/assaultive behaviors as bullying does not alleviate schools from following Title IX and other regulations protecting students.
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.