

# ***Title IX and Gender Equity***

IT'S FOR EVERYONE!

# TITLE IX

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- What is it?
- For Whom is it?
- Why Should I Care?
- What Does it Have to do With Equity?

# TITLE IX

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No *person* in the United States shall on the basis of **sex**, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational programs or activity receiving federal financial assistance.



# What Does Title IX Cover?

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- Admissions
- Access to Courses or Programs
  - Includes Physical Education
- Counseling
- Student Rules and Policies
- Treatment of Pregnant or Parenting Students

# **Title IX**

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- Financial Assistance
- Student Housing
- Athletics
- Extra-Curricular Activities
- Employment Practices
- Sexual Harassment of Students and Employees

# **AREAS of Title IX**

## **Receiving the Most Attention**

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- Athletics
- Single Sex Classrooms
- Sexual Harassment
- Academic Achievement (Testing)
- Discipline (Rules and Policies)

## **Title IX Requires:**

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- Self-Evaluation
- Appointment of a Responsible Person
- Development of Policy
- Notification of Policy
- Grievance Procedure



# ***Title IX Coordinator***

Is that my job?



# **Title IX Requires Publication**

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- Name and title of employee(s) responsible for Title IX compliance
- Office address
- Telephone number of the employee

# **Role of the Title IX Coordinator**

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- Preventive
- Promotional
- Eliminating Bias
- Ongoing Process

# Monitoring Checklist for Coordinators

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- Education Programs and Activities
- Employment
- Suggestions to involve others



# ***Policy Notification***

It Is Required

# Notification

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Title IX ***REQUIRES*** that every recipient of federal funds publish notification of:

Notification of non-discrimination on the basis of sex and

Availability of a grievance procedure.

# Policy Notification

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- **Widely Disseminated**
  - In language that is readily understood
    - Age appropriate
    - Translated
  - All publications and information
    - Students
    - Staff
    - Parents
    - Community

# Requirement

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A recipient is ***NOT*** in compliance with the requirements of Title IX if it does not have ***both*** a policy and a grievance procedure in place regardless of whether or not discrimination has occurred.

# Ensuring Adequate Notice

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- Copies of policy and procedures available at various locations
- Publish as a separate document
- Identify individuals who can explain policy and procedures
- Include in major publications
  - Handbooks
- Include on web-sites



# Non-Discrimination Under Title IX

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- Is a Legal Right
- Not Negotiable
- Not Subject to Compromise



# ***Grievance Procedures***

**Nuts and Bolts**

# What is a Grievance?

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- An assertion or claim that a set of rules or regulations have not been followed. These may be:
  - Local
  - State
  - Federal law or regulation
  - Contractual agreement

# What is a Grievance Procedure?

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- It is a method by which an individual or group may express a complaint to an agency or institution alleged to be violating a particular rule and without fear of reprisal:
  - Receive a fair hearing
  - Resolve the issue at hand

# Ensuring Adequate Notice

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# **Function of a Grievance Procedure is to:**

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- Determine whether a violation of a rules or regulation has occurred, and
- Determine appropriate means for correcting and redressing the issue.

# **Title IX**

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- Grievance Procedure Is Required to Address:
  - Sex Discrimination
  - Sexual Harassment

# Basic Components of a Grievance Procedure

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- Provisions related to the initiation of grievances;
- Provisions related to the processing of a grievance; and
- Procedural rights of the parties



# Initiation of a Grievance or Complaint

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- Who may grieve
- What constitutes a grievance
- Time limits
- How the grievance shall be initiated
- Assistance available to grievant

# Processing a Grievance

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- Number and level of steps
- Form of processing
- Requirements of notification
- Timelines
- Procedures of meetings or hearings
- Requirements for filing
- Specification of Forms
- Role(s) of those involved

# Basic Procedural Rights in any Grievance Procedure

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- Prompt and Equitable
- Timelines
- Right to Representation
- Access to Records
- Impartial Decision Makers
- Protections From Harassment and Retaliation
- Right to Appeal
- Confidentiality

# ***Athletics***

Who gets to play?

# LAUNDRY LIST

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- Interest and abilities
- Equipment and supplies
- Scheduling of game and practice times
- Travel and per diem allowance
- Opportunity to receive coaching and academic tutoring



## **Laundry List-Continued**

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- Assignment and Compensation of Coaches
- Provision of locker rooms, practice and competitive facilities.
- Provision of medical and training facilities and services
- Provision of housing and dining facilities and services
- Publicity

# **ATHLETICS: Interest and Abilities**

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- Does the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes?
  - Proportionality
  - History
  - Meeting interests and abilities

# **Athletics: The Three Prong Test**

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1. **Proportionality**, is considered the athletic participation opportunities that are provided to females that is substantially proportional to the female percentage of enrollment in the school/district.



# **Athletics: The Three Prong Test**

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**2. History and continuing practice of add or expanding the sports offerings for women (or the disenfranchised group).**

- Adding teams
- Upgrading teams to varsity status
- Affirmatively responding to requests for adding and upgrading teams
- Monitoring and developing interests of women by conducting surveys

# **Athletics: The Three Prong Test**

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3. **Fully and effectively accommodating** the athletic interests and abilities of the women in its student body.

# Is It A Sport?

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- Is selection for the team based upon objective factors related primarily to athletic ability?
- Does the activity have a defined season?
- Does the team prepare for and engage in competition the same way as other teams in the athletic program?

# Is it a sport: Continued

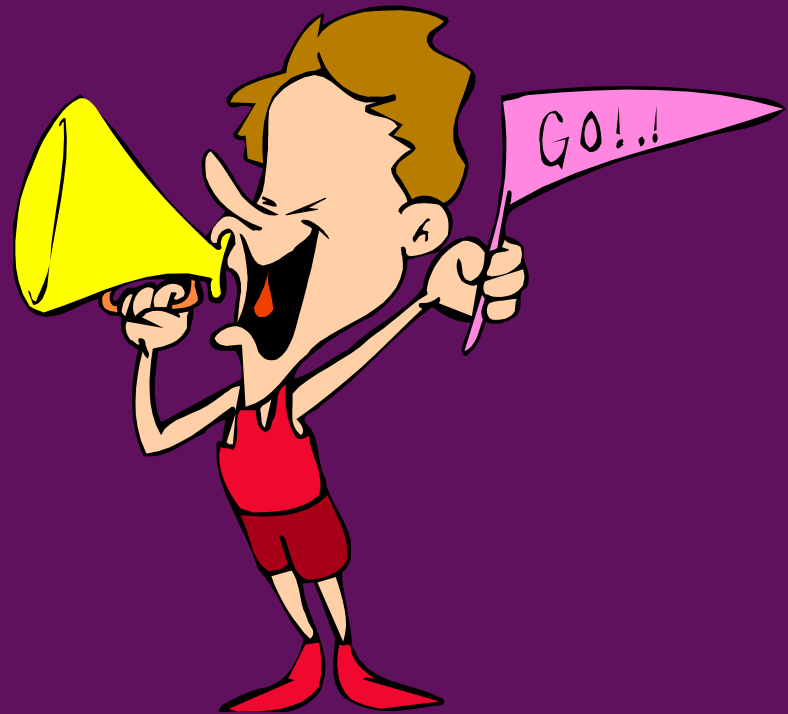
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- Coaching
  - Recruitment
  - Budget
  - Try-outs
  - Eligibility
  - Length and number of practice sessions
  - Competitive opportunities
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- Is the activity administered by the athletic department?

## Is it a sport: Continued

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- Is the purpose of the activity athletic competition rather than support or promotion of other athletes?



# Is it a sport: Continued

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- Do organizations knowledgeable about the activity agree that it should be recognized as an athletic sport?
- Is the activity recognized as part of the interscholastic or intercollegiate athletic program by the athletic conference to which the institution belongs and by organized state and national interscholastic or intercollegiate athletic associations?

## **Is it a sport: Continued**

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- Do state, national, and conference championships exist for the activity?
- Is a state, national, or conference rule book or manual book adopted for the activity?

## Is it a sport: Continued

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- Are there state, national, or conference regulation of competition officials along with standardized criteria upon which the competition may be judged; and
- Are participants in the activity/sport eligible to receive scholarships and athletic awards?



# ***Sexual Harassment***

It' s not flirting

# **Sexual Harassment: Definition**

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1. Submission to said conduct is made explicitly or implicitly a condition of employment or academic advancement;
2. Submission to or rejection of such conduct is used as the basis for decisions affecting employment or academic advancement;

## **Sexual Harassment: Definition**

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3. Such conduct as the purpose or effect of unreasonably interfering with a person's work or academic performance or creating an intimidating, hostile or offensive work and/or learning environment

# Categories of Sexual Harassment

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- ***Quid Pro Quo Sexual Harassment:***  
Means something given or withheld for something else—sexual bribery
- ***Hostile Environment Sexual Harassment***  
A work or learning environment which interferes with a person's ability to function normally without intimidation, fear, or sexually harassing behaviors.

# Sexual Harassment is Behavior Specific

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- Physical
- Verbal
- Visual



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# **Liability and Sexual Harassment**

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Supervisors/principals may be found liable if they fail, through deliberate indifference to fulfill the duty they owe to protect employees and students. This personal liability will exist if the student or employee proves:



# Marital or Parental Status

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“A recipient shall not apply any rule concerning a student’s actual or potential parental, family or marital status which treats students differently on the basis of sex.”

Title IX Regulation

34 CFR §106.40

# COUNSELING

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“ A recipient shall not discriminate against any person on the basis of sex in counseling or guidance of students or applicants for admission.”

Title IX Regulation

§106.36