



TITLE IX COORDINATOR TRAINING

National Women's Law Center

Presenter

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What to Expect

1. Intro/Overview
2. Defining and Addressing Sexual Harassment
3. Other Title IX areas
 - Athletics
 - Pregnancy/Parenting
 - Single sex
 - LGBTQ students
 - Discipline
4. Formal Responsibilities of Title IX Coordinators

UNIT 1: INTRO/OVERVIEW



Title IX



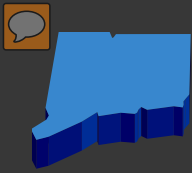
Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681 *et seq.*) prohibits **sex discrimination in education and in employment.**

- *"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."*



Other Relevant Federal Laws

- Prohibits employment discrimination based on **race, color, religion, sex, or national origin**.
- Protects men and women who perform substantially equal work in the same establishment from **sex-based wage discrimination**.
- Prohibits discrimination on the basis of **race, color, and national origin** in federally funded programs and activities.
- Prohibits discrimination on the basis of **disability** in federally funded programs/activities.



Connecticut Law Sec. 10-15c

*The public schools shall be open to all children five years of age and over . . . and each such child shall have, and shall be so advised by the appropriate school authorities, an **equal opportunity** to participate in the activities, programs and courses of study offered in such public schools . . . **without discrimination on account of race, color, sex, gender identity or expression, religion, national origin, or sexual orientation.***

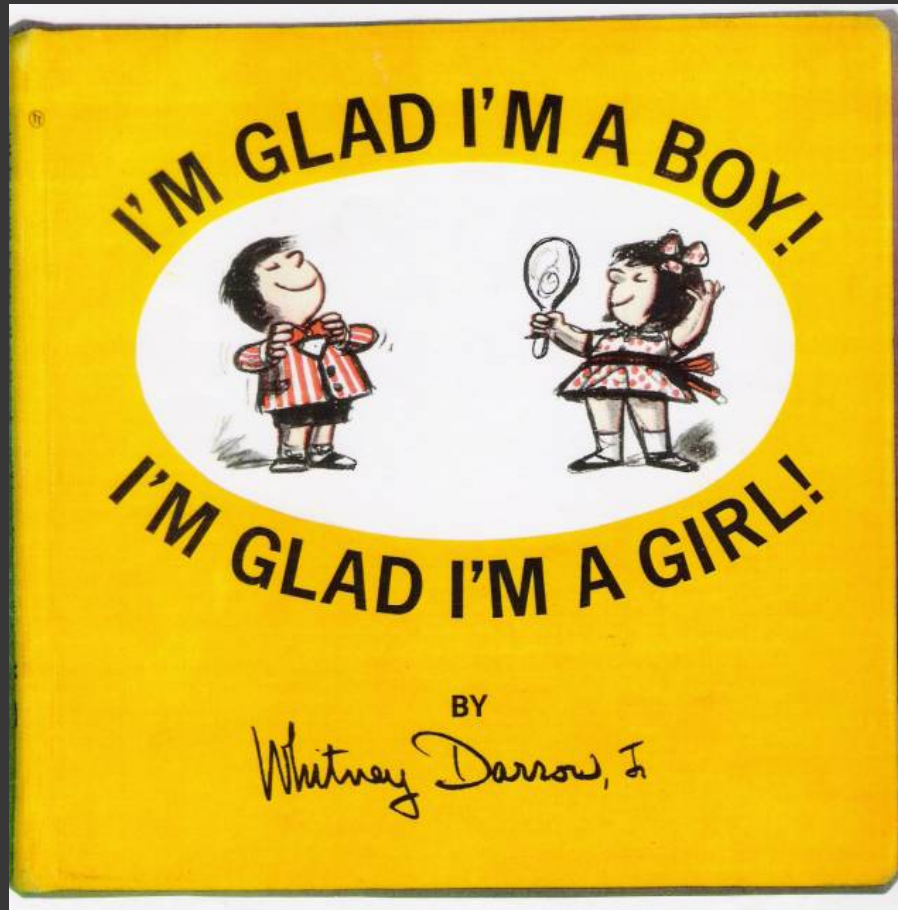


Connecticut Education – Protected Classes

- race
- color
- religious creed
- sex
- age
- national origin
- ancestry
- marital status
- sexual orientation
- mental retardation
- physical disability or learning disability, or
- any other basis prohibited by Connecticut or federal law

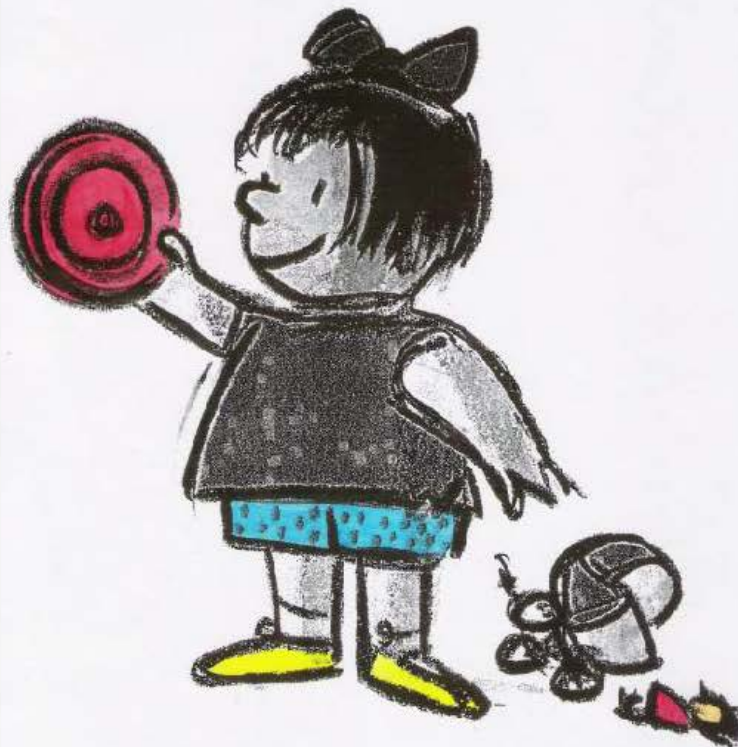


Why were these laws enacted?





Boys fix things.



Girls need things fixed.



Boys are Presidents.



Girls are First Ladies.

Who Is Protected by Title IX?

- ◎ Students of **all genders**
- ◎ Both **staff and students**



What Institutions Are Covered by Title IX?



- Follow the federal funding
- Covered institutions include local school districts, colleges and universities, charter and for-profit schools, as well as athletic associations.
- Educational programs offered by non-educational institutions that receive federal funds, such as libraries, prisons, and museums, are also covered.



What Educational Activities Are Covered By Title IX?

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.



What Is Discrimination “On The Basis Of Sex”?

- ⦿ Includes pregnancy and related medical conditions
- ⦿ Includes gender stereotyping



Examples Of Discrimination?

1. Guidance counselors consistently tell male students about opportunities to take engineering classes, but fail to mention those opportunities to female students.
2. Teachers consistently call on boys more than girls.
3. Recruitment materials feature only girls in child care classes.
4. A principal refuses to promote a woman to assistant principal because he believes it will be better for her after she has a child.



Examples Of Discrimination?

1. A school requires students to pass a weight lifting test before allowing them to enroll in an computer course, and more girls than boys fail the test.
2. An employer that is hiring construction laborers requires applicants to have a high school diploma, and boys tend to have somewhat higher dropout rates than girls.
3. A school refers students for internships based on psychological tests that measure “ambition” and “drive,” and girls have lower scores than boys on these criteria.



Name That “Discrimination”

Adverse action taken against an individual because s/he protested discrimination.

- Supreme Court held in 2005 that individuals – including **teachers and coaches** protesting discrimination against their students -- **can sue** under Title IX to challenge this.



What Is Retaliation?

*Any form of adverse treatment, which for **employees** can include:*

- Demotion or termination
- Reduction in pay
- Material change in job duties
- Harassment on the job
- Refusal to give positive job references

What Is Retaliation?

*Any form of adverse treatment, which for **students** can include:*

- Suspension or expulsion
- Reduction in grades
- Denial of permission to participate on teams, or change in position on team, amount of playing time, etc.
- Harassment in class or on field



UNIT 1: DEFINING AND ADDRESSING SEXUAL HARASSMENT & BULLYING





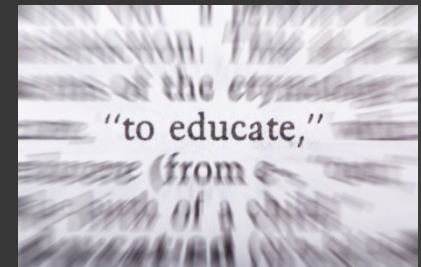
Harassment /s Discrimination

Harassment includes:

- ⦿ **Sexual** harassment
- ⦿ **Gender-based** harassment (name calling, stereotyped remarks)

Sexual Harassment Is:

- ⦿ Conduct of a **sexual nature**;
- ⦿ That is **unwanted and unwelcome**; and
- ⦿ That **interferes with a student's right** to learn, study, work, achieve, or participate in school activities in a comfortable and supportive atmosphere.



Two Types of Sexual Harassment:

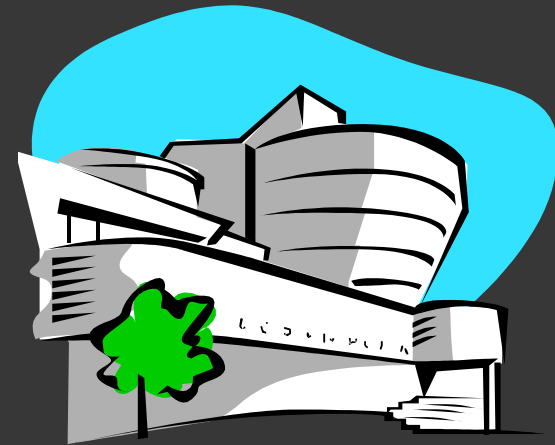
- ⦿ **Quid Pro Quo:** Benefits (or penalties) are conditioned on an individual's submission to (or failure to submit to) requests for sexual favors
- ⦿ **Hostile Environment:** Harassment that does not result in a tangible benefit or penalty, but that is sufficiently severe or pervasive to limit the victim's ability to participate in classes, activities, or other aspects of the educational program.

Harassment Can Be:

- ⦿ Perpetrated by a **teacher, student, or third party**
- ⦿ Directed by **any gender** at any other
- ⦿ Directed at a **victim of the same gender as the harasser**

Harassment Can Take Place:

- In classrooms
- In hallways
- On school grounds
- On school buses
- On field trips
- At sporting events
- At teachers' offices or homes
- Off campus; elsewhere



Harassment Can Cause:

- ⦿ Physical or emotional injury to victims
- ⦿ Disruption of education
- ⦿ Damage to a school's reputation
- ⦿ Legal liability for a school

Examples of Hostile Environment Harassment

Physical Conduct

- ⦿ Unwelcome sexual advances
- ⦿ Unwanted hugs, touches or kisses

Non-Physical Conduct

- ⦿ Suggestive or lewd remarks or jokes
- ⦿ Derogatory or pornographic posters, cartoons, screen savers

How Can You Tell If Advances Are “Unwelcome”?



Put yourself in the position of the alleged harasser and ask:

- ❑ Would you want your behavior to **appear on the evening news**?
- ⦿ Is there a **difference in status or power** between you two?
- ⦿ Would you behave the same way if a family member were standing next to you?
- ⦿ Would you want someone else to act this way toward your **spouse or significant other**?

How to Tell If There Is a Hostile Environment

Assess several factors:

- ◎ **Severity** of conduct
- ◎ **Frequency** of conduct
- ◎ **Relationship and ages** of harasser and victim
- ◎ **Impact on victim** (both subjective and objective)





Are These Examples of Harassment?

1. Victor Goyle regularly mocks the physique of girls on the lacrosse team when he sees them at the pizza place they frequent after games.
2. Becky and Brandon were an item last year but broke up over the summer. Now Brandon wants to get back together and keeps asking Becky out for dates but Becky is not interested.
3. Hagrid School's athletic director insults all athletes who lose games, calling them "sissies" and "girls."



Bullying

- ⦿ Extremely serious and underreported problem - recently, 50 percent of students report being bullies and more report being victims.
- ⦿ Two key aspects of bullying:
 1. Repeated harmful acts
 2. Imbalance of power



Bullying: Oct. 2010

New Dept of Ed Guidance

- ⦿ Clarifies that bullying is form of harassment when based on protected characteristic
- ⦿ Protections exist under Title IX and anti-gay harassment is often covered by Title IX
- ⦿ <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>
- ⦿ One-stop site for federal resources on bullying: www.stopbullying.gov

Title IX and Sexual Harassment



Supreme Court Cases:

1. *Gebser* – 1998, Court held that Title IX requires schools to address teacher-student harassment and outlines standards of when schools are liable in damages.
2. *Davis* – 1999, Court held that Title IX requires schools to address student-to-student sexual harassment.

Sexual Harassment

in Ed



Court also said that in order to get money damages to remedy pain and suffering, students/parents must prove:

- ⦿ Harassment so severe, pervasive, and objectively offensive that it interfered with education;
- ⦿ School official with authority to stop harassment actually knew about harassment; AND
- ⦿ Official was “deliberately indifferent” to harassment



University of Colorado Cases

- ⦿ Three Title IX cases brought by female students against school for rapes at football recruiting party.
- ⦿ Women claimed that school knew about prior incidents of sexual assault at recruiting parties and did nothing to prevent or address discrimination.
- ⦿ District Court found that (1) CU did not have actual notice of sexual harassment of CU students by football players and recruits before Plaintiffs' assaults, and (2) CU was not deliberately indifferent to such harassment.



University of Colorado Cases

Tenth Circuit reversed and held that:

- (1) CU had an official policy of showing high-school football recruits a “good time” on their visits to the CU campus
- (2) The alleged sexual assaults were caused by CU’s failure to provide adequate supervision and guidance to player-hosts chosen to show the football recruits a “good time,” and
- (3) The likelihood of such misconduct was so obvious that CU’s failure was the result of deliberate indifference.

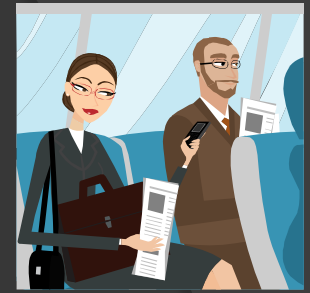
Connecticut Law on Sexual Harassment of Students



- **Erin's Law:** new law that requires age-appropriate sexual abuse and assault awareness program for K-12 students
- Affirmative consent required at public and private colleges

**QUICK DETOUR:
HARASSMENT OF
EMPLOYEES**

Sexual Harassment in Employment



- ◎ Lower bar for demonstrating liability in damages:
 - If tangible employment action by supervisor, then employer is liable.
 - If hostile environment harassment, then employer is liable UNLESS:
 - Employer exercised reasonable care to prevent and correct harassment; AND
 - Employee failed to take advantage of preventive/corrective measures.



Conn. Law on Employee Harassment

- ⦿ Requires employer with three or more employees to post information concerning illegality of sexual harassment and available remedies.
- ⦿ Requires employer with fifty or more employees to provide two hours of training re: sexual harassment to all current supervisory employees and to new supervisory employees within six months of assumption of supervisory position.

BACK TO STUDENTS



Practically Speaking, What Does Title IX Require?

- Title IX requires schools to have a published **anti-discrimination policy and grievance process** to address sex discrimination, including sexual harassment.
- Legal obligation to take steps to **prevent harassment and address any harassment that occurs**
- Need to **step in before** conduct amounts to unlawful harassment

Sexual Harassment Policy

Involve the Entire School Community and Make the Policy User-Friendly.

- ⦿ Gather input from the community, e.g. by distributing survey to students.
- ⦿ Do not forget about wider community when writing the policy—use plain language that will be accessible to teachers, students, school employees, and parents.
- ⦿ If a significant number of students attending the school or their parents are non-English speakers, translate the policy into other languages.

Sexual Harassment Policy

Clearly Define Sexual Harassment and List Possible Punishments.

- Clearly explain the types of behavior that constitute sexual harassment and lay out possible disciplinary actions the school can take against perpetrators.
- In addition to defining sexual harassment as unwelcome behavior of a sexual nature that interferes unreasonably with a student's educational experience, provide specific examples of prohibited behaviors.
- Make clear that *all* students are protected from sexual harassment—regardless of who the harasser is—and that harassment need not occur on school grounds to be prohibited.



Sexual Harassment Policy

Ensure Confidentiality and Prohibit Retaliation.

- ⦿ Ensure that complaints will be handled with as much confidentiality as possible and make clear that retaliation is strongly prohibited.
- ⦿ Confidentiality will help to prevent retaliation against students or witness's cooperating in an investigation, but you should explicitly forbid such conduct in your official policy and provide specific illustrations of retaliatory acts.



Sexual Harassment Policy

Clearly Explain How Students Who Have Been Harassed Can Challenge that Harassment.

- ⦿ Formal complaint procedure: how, where, and with whom to file; what will happen in investigative process; how final determinations made; general time frames; possible penalties for harasser; how to appeal.
- ⦿ Complaining parties may simultaneously pursue other legal remedies such as bringing a lawsuit or filing a claim with the U.S. Department of Education's OCR.
- ⦿ In addition to (but not in lieu of) formal grievance procedure, you may facilitate informal actions in less serious cases of sexual harassment by providing a mediation process or by speaking directly to the accused harasser.

Sexual Harassment Policy

Make Sure the Policy is Well-Publicized and Effectively Implemented.

- ⦿ Every student, parent, and school employee should receive a copy of the policy and complaint procedures or a brochure or pamphlet summarizing it, as well as regular reminders about it.
- ⦿ Posters about the policy and sexual harassment should be placed in hallways, locker rooms, classrooms, administrators' offices, student activity areas, or other public places.
- ⦿ A description or summary of the policy, with names of persons to contact for more information, should be included in all major school publications such as handbooks, course catalogs, or orientation materials.



Good Policies Not Enough

2001 AAUW Study shows understanding has grown:

96% of students understood sexual harassment

69% said their schools had harassment policies

36% said their schools distribute handouts on harassment

But incidence of harassment is still too common:

81% of students have experienced it

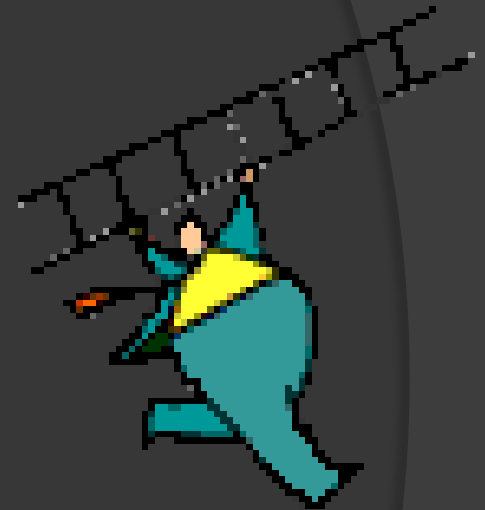
Six in ten students experience physical harassment

38% report that teachers and school employees harass students

What Should You Do If Harassment Occurs?

Don't Wait For A Complaint

- Need to address harassment whenever you become aware of it, whether or not a formal complaint is filed



What Should You Do In Response to Complaints?

GRIEVANCE PROCESS



- Description of **steps of process**
- Identification of **staff responsible** for each step of process
- **Time frames** for each step of process
- Assurance that parties will be **informed of the outcome**



What Should You Do If Harassment Occurs?

Stop Any Ongoing Harassment Immediately.

- Moving quickly tells everyone that such behavior is not acceptable and that your school takes harassment seriously.
- You also must take steps necessary to ensure that the harassment does not reoccur.



What Should You Do If Harassment Occurs?

Investigate *All* Allegations of Harassment.

- Immediate and appropriate steps to investigate and determine what occurred, regardless of whether formal complaint filed.
- Inform and obtain consent from the complainant (or the complainant's parents if the complainant is under 18 and does not attend a postsecondary institution) before beginning an investigation
- If the complainant requests confidentiality or asks that the complaint not be pursued, the school should take care to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation.*

What Should You Do If Harassment Occurs?

- The inquiry must be *prompt, thorough, and impartial*. At a minimum, investigation should include interviews with victim, alleged harasser, and anyone else who may have relevant information.
- Keep complete records of investigations, including detailed description of victim's allegations, notes on all interviews, the outcome of the investigation, and any action taken by your school.
- Limit the disclosure of information to people who really need to know, limit access to the investigation file and documents, and tell witnesses not to discuss the investigation with anyone.

Characteristics of a Good Investigation:

Create an Investigative Plan

- ⦿ Outline key questions.
- ⦿ Decide whom you need to interview.
- ⦿ Decide what documents you need to review.
- ⦿ Set time frames.

Characteristics of a Good Investigation:

Understand the Claim

- ⦿ Conduct a thorough interview of the complainant and identify specific allegations made.
- ⦿ Identify specific provisions of law or parts of school policy alleged to have been violated.
- ⦿ Conduct a thorough interview of the person named in the complaint and identify defenses.

Characteristics of a Good Investigation:

Keep Parties Informed

- ⦿ Make sure parties understand the process.
- ⦿ Keep parties informed of the status of the investigation.
- ⦿ Remind parties and witnesses that they are protected from retaliation.

Characteristics of a Good Investigation:

Be Thorough, Careful and Neutral

- ⦿ Interview parties and witnesses and assess credibility.
- ⦿ Gather and review relevant documents.
- ⦿ Visit the site of the incident.
- ⦿ Give each party the opportunity to respond to evidence gathered.
- ⦿ Document all stages of investigation.

Characteristics of a Good Investigation:

Reach and Document Fair Conclusions

- ⦿ Analyze all information and determine whether facts show a violation of the law.
- ⦿ Document the basis for each conclusion.
- ⦿ Notify the parties of the results and inform them of any rights of appeal.
- ⦿ Take necessary remedial steps.
- ⦿ Maintain secure records.

Dangerous Words



When responding to a complaint, be careful that these words don't come out of your mouth:

- ⦿ It's just teasing- no big deal.
- ⦿ The people in our school would never do...
- ⦿ I know he/she didn't mean anything like that.
- ⦿ It's your fault for dressing so provocatively.
- ⦿ You need to learn to handle these things.

Dangerous Words

- ⦿ Just ignore it.
- ⦿ He puts his arms around everyone.
- ⦿ Why can't you learn to accept a compliment?
- ⦿ You must have wanted it- otherwise you would have told him no.
- ⦿ That's how they do things where he comes from.
- ⦿ It's a joke. Lighten up.
- ⦿ No one's filed a charge so our hands are tied.

Dangerous Words

- ⦿ We've never had a complaint, so we don't have a problem.
- ⦿ This kind of behavior is all a part of growing up.
- ⦿ It's a matter of hormones, we can't control that.
- ⦿ If we had to discipline every student who used bad language we'd never get anything else done.
- ⦿ Its just a prank that got out of hand.
- ⦿ Oh well, boys will be boys.



Family Educational Rights Privacy Act (FERPA) Issues

- prohibits school districts from releasing personally identifiable info contained in a student's education records to anyone except certain federal, state, and local officials and institutions, unless authorized by the student's parent.
- no private right of action
- Videotapes made for law enforcement purposes not subject to FERPA



What Should You Do If Harassment Occurs?

Corrective Action to Keep the Harassment from Happening Again.

- ❑ Take actions *reasonably calculated* to prevent harassment from recurring.
- ⦿ If incidents are part of larger problem requiring school-wide response, re-evaluate and re-distribute policies and procedures for harassment prevention, and provide training sessions to ensure that students, parents, and teachers can recognize harassment if it recurs and know how to respond.
- ⦿ Be sure your actions do not create additional harm for the student who has already suffered harassment.
- ⦿ Follow up with student victim to make certain the harassment has stopped and no retaliation has occurred; provide the student with counseling if needed.

What Is Effective and Appropriate Remedial Action?

Steps to eliminate the effects of the harassment by addressing the victim's injuries:

- Removing negative grades or evaluations that resulted from the harassment from the student's record
- Allowing student to retake a test or class in which s/he has performed poorly
- Damages to compensate for out of pocket costs and emotional distress

Additional Strategies

Administrators:

- ⦿ Ensure all necessary anti-discrimination policies and procedures are in place.
- ⦿ Develop sexual harassment training programs for administrators, employees, and students.
- ⦿ Conduct self-evaluation of school to determine what kind of educational environment exists for female students.
- ⦿ Make certain that orientation programs for students, employees, and administrators include materials about sexual harassment.
- ⦿ Be sure that all school programs and activities, even those that occur off-school premises, are free from sexual harassment.

Additional Strategies

Teachers:

- ⦿ Act quickly when confronted with sexual harassment.
- ⦿ Ensure that you report any instances of harassment of which you are aware to the person designated by the school to handle such complaints.
- ⦿ Strategize with students about improving the classroom environment.
- ⦿ Enlist the support of parents.
- ⦿ Make certain the classroom is a welcoming environment for all students.

Sexual Violence: Apr. 2011 Dept of Ed Guidance

Purpose: To supplement OCR's 2001 *Revised Sexual Harassment Guidance* by providing additional guidance and practical examples regarding Title IX requirements as they relate to sexual violence.

Responding to Sexual Harassment or Violence

Immediate Action

- May have obligation to respond to harassment that occurred off school grounds.
- If student files complaint, regardless of where conduct occurred, school **must** process it according to established procedures.
- Should consider effects of off-campus conduct and take steps to protect a student from further sexual harassment or retaliation from alleged perpetrator and his/her associates.

Prompt Investigation

- Law enforcement investigation does **NOT** relieve school of independent Title IX oblig. to investigate.
- School's inquiry should be prompt, thorough, and impartial.
- Inform and get consent to investigate from complainant (or parent if under 18).
- Inform complainant if cannot ensure confidentiality.
- If potential criminal conduct, schools must determine whether law enforcement should be notified.

Grievance Procedures

May include voluntary mechanisms, such as mediation.

- However, **improper** for student who complains of harassment to work out problem directly with alleged perpetrator, and certainly not without appropriate involvement by the school.
- Moreover, in cases involving allegations of sexual assault, mediation **NOT** appropriate even on voluntary basis.
- Complainant must be notified of right to end informal process at any time and begin formal stage of complaint process.

Prompt and Equitable Response

Adequate, reliable, and impartial investigation of complaints

- Give both parties opportunity to present witnesses and other evidence
- Give complainant and alleged perpetrator similar and timely access to info that will be used at hearing.
- Notify complainant of right to file criminal complaint and do not dissuade her from doing so either during or after school's internal Title IX investigation.
- Do not wait for conclusion of criminal investigation or criminal proceeding to begin Title IX investigation.
- Use a **preponderance of the evidence standard**, *i.e.*, it is more likely than not that sexual harassment or violence occurred.

Notice to parties of the outcome of the complaint

- Both parties must be notified, in writing, about the outcome of the complaint and any appeal - *i.e.*, whether harassment was found to have occurred.

Assurance that school will take steps to prevent recurrence of harassment and to correct discriminatory effects on complainant and others, if appropriate.

Preventing & Addressing Sexual Harassment/Violence

Implement education and training programs

ALL STUDENTS AND STAFF:

- * What constitutes sexual harassment and violence, warning signs, how to respond
- * Policies, disciplinary procedures and consequences.

Inform students that primary concern is student safety so other rules violations will be addressed separately, e.g., use of alcohol or drugs never makes victim at fault for sexual violence.

Make victim resources available

Develop specific sexual violence materials that include schools' policies, rules, and resources for students, faculties, coaches, and administrators.

Responding to Sexual Harassment and Violence

⦿ Remedies

- **Protect and minimize burden on complainant**, including interim steps before final outcome of investigation. Do NOT remove complainants from classes while allowing alleged perpetrators to remain.
- **Protect complainant from retaliatory harassment.** Ensure complainants and their parents know how to report any subsequent problems caused by alleged perpetrator or his/her associates; follow-up with complainants to determine whether any retaliation or new incidents of harassment have occurred.
- **Other remedies:** provide escort between classes, counseling, medical services, academic support (tutoring), move complainant to other school in district, arrange for complainant to w/d from class without penalty, etc.

Responding to Sexual Harassment and Violence

● Enforcement

- OCR will seek appropriate remedies for complainant and broader student population when a school does not voluntarily comply with Title IX.
- Can withdraw federal funding
- Can refer case to the U.S. Department of Justice

What now?

- ⦿ Last month, Department of Education rescinded 2011 guidance
- ⦿ But nothing in 2011 guidance is now prohibited
- ⦿ Still best practice and much legally required

Did These Schools Respond Effectively?



1. Parents complain to the principal of Sirius Elementary School that their daughter is being harassed on the school bus. The principal transfers her to another bus route and no further harassment occurs.
2. On two occasions, the girls' basketball team is harassed by a particular opposing team. Afterwards, the school speaks to the coach of the opposing team and asks the referee to be alert to any problems. The school also sends along an extra teacher to police the conduct of the opposing team.



How Would You Conduct This Investigation?

A parent just reported to you that his 2d grade son told him that a 5th grader had been touching his private parts on the playground for several days.

- What questions should you ask the parent?
- What information should you *give* the parent?

How Would You Conduct This Investigation?

- ⦿ What should you do after the interview with the parent?
- ⦿ Who should you talk to during the investigation? What question should you ask?
- ⦿ Can you keep the 2d grader's identity a secret? The 5th grader?
- ⦿ Are there interim measures you should take while the investigation is ongoing?

How Would You Conduct This Investigation?

- ① If the police investigate and decide not to prosecute, is your job over?
- ② What steps should you take if you find that the allegations are true?
- ③ What kinds of records should you maintain of your investigation?

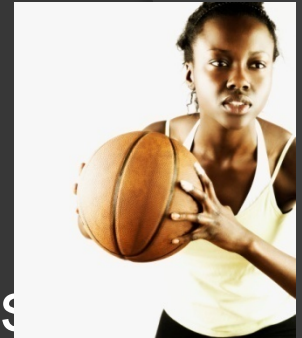
Unit 2: Other Title IX Areas

1. **Athletics**
2. **Pregnancy and Parenting**
2. **Single sex**
3. **LGBTQ students**
4. **Discipline**

Title IX: Athletics

Three basic requirements:

1. Schools must offer male and female students **equal opportunities to _____**.
2. Schools must **allocate _____ dollars equitably**.
3. Schools must provide male and female athletes with **equal _____**.

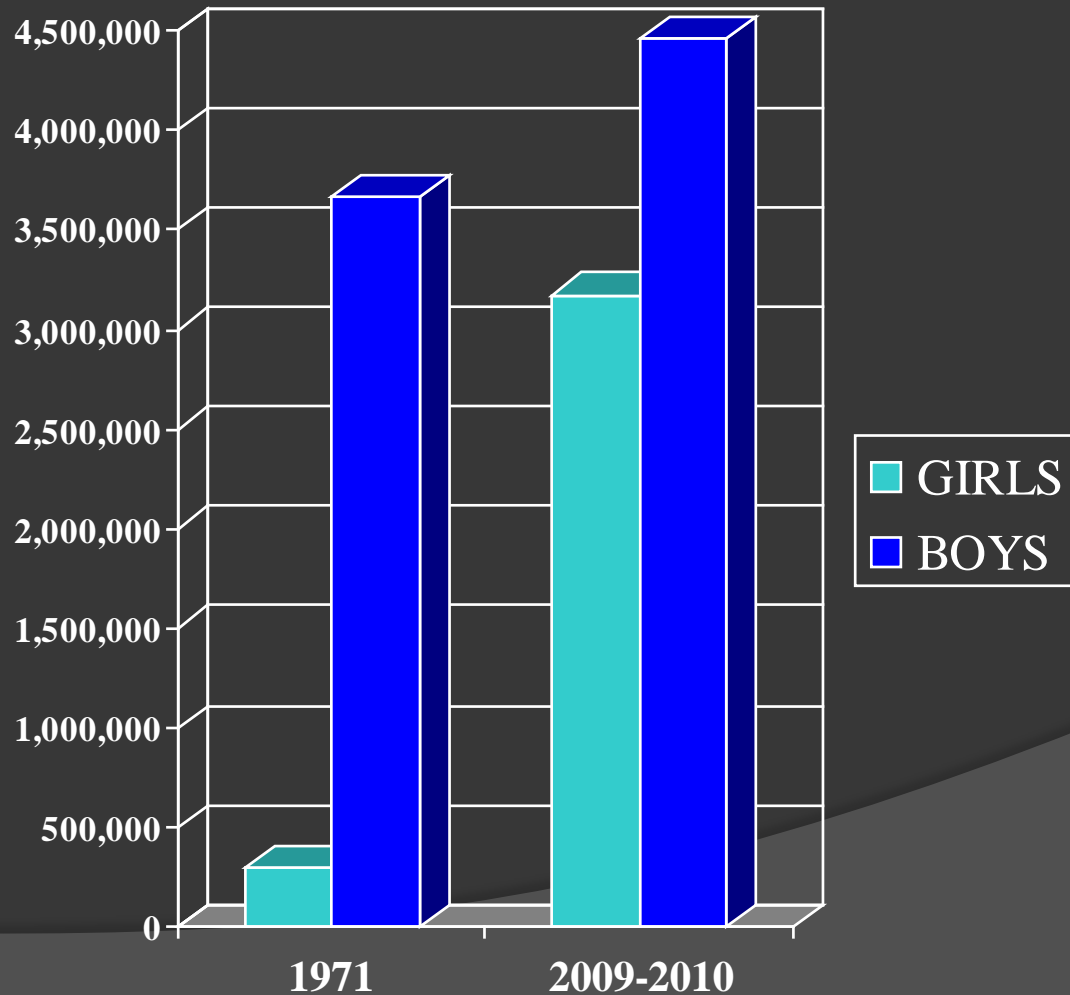


Benefits of Sports for Girls

- ⦿ Girls who play sports are more likely to graduate from high school, have higher grades, better test scores, and better employment outcomes.
- ⦿ Female athletes are more likely to do well in science classes than their classmates who do not play sports.
- ⦿ Sports participation decreases a young woman's chance of developing heart disease, osteoporosis, and other problems.
- ⦿ Sports participation reduces the risk of obesity in adolescent girls, and for adult women who played sports in school.
- ⦿ Young women who play sports have higher self-esteem, lower incidence of depression and more positive body image.
- ⦿ Female student-athletes are less likely to smoke or use drugs and have lower rates of both sexual activity and pregnancy.

Good News: Female Sports Participation Has Skyrocketed

Girls' Participation in Athletics Before and After Title IX



Bad News: Discrimination Persists

- ◉ Women and girls at all levels of education still being denied opportunities to play equal benefits and services

- ◉ Schools are providing 1.3 million fewer for girls to play sports in high boys.

- ◉ While 53% of the students at Division I colleges are women, female athletes receive only 32% of total recruitment dollars, 34% of total athletic expenditures and 45% of total athletic scholarship dollars.

are sports, and when they do play.



Participation: The “Three-Part Test”



Schools are providing equal participation opportunities to their male & female students if:

- ⦿ Prong 1: Athletic participation opportunities for males and females are substantially proportionate to their respective enrollments; **OR**
- ⦿ Prong 2: The school has a history and continuing practice of expanding athletic participation opportunities for the underrepresented sex; **OR**
- ⦿ Prong 3: The school has fully and effectively accommodated the interests and abilities of the underrepresented sex.

Prong One: Proportionality

Percentage of athletes who are female must mirror percentage of students who are girls.

- So, if 50% of students are girls, then about 50% of athletes must be girls.

Example: Quinnipiac University case

- Cut volleyball and counted cheerleading increase participation numbers
- Court said reinstate volleyball and cannot count cheerleading because too underdeveloped to count as competitive sport
- Without cheer, 3.62% participation gap, which does not meet prong one



Does Cheerleading Count?

Quinnipiac case

- Competitive cheer activity “still too underdeveloped and disorganized to be treated as offering genuine varsity athletic participation opportunities for students”

2008 Dept of Ed Dear Colleague Letter

- Discussed when activity is a sport for Title IX compliance

Update:

- NCAA declined to recognize even competitive stunt cheerleading as a sport in 2014.

- USA Gymnastics working to Acrobatics and



Tumbling” recognized.

Prong Two: Program Expansion

The school has a history and continuing practice of expanding athletic participation opportunities for the underrepresented sex.

- ⦿ Record of adding female participation opportunities
- ⦿ Current plan of expansion responsive to developing interests and abilities of women

Bottom line: Should see a pattern of consistently expanding opportunities in response to developing interests/abilities





Prong Three: Full And Effective Accommodation

The school has fully and effectively accommodated the interests and abilities of the underrepresented sex.

April 2010 Clarification

- Rescinded 2005 Clarification that enabled schools to send email survey and count non-response as lack of interest and receive presumption of compliance.
- Restored previous policy, under which schools must evaluate multiple factors (including surveys) to demonstrate compliance with prong three.

2010 Clarification: Requires More to Assess Interest

The following indicators should be evaluated:

- Requests by students to add or elevate a sport;
- Participation in particular club or intramural sports;
- Interviews with students, coaches and administrators;
- Participation rates in high schools and community leagues in areas from which school draws students; and
- Results of questionnaires regarding interests in particular sports.




<http://www2.ed.gov/print/about/offices/list/ocr/docs/clarific.html>



Have These Schools Met the Three-Part Test?

1. Prong One: Hogwarts High School has a student body that is 49% male and 51% female. Its athletes are 51% male and 49% female.
2. Prong Two: Potter Regional High School last added a team for girls in 2003.
3. Prong Three: Snape High School does not offer proportionate opportunities to girls and does not have a history and practice of adding opportunities for them. It has sent a survey to its female students asking about their athletics interests but got very few responses.



Adequate Defenses to Not Meeting Three-Part Test?

1. “Girls are less interested in sports than boys, and boys need them more to stay engaged in school.”
2. “Giving girls additional opportunities to play would require cutting boys’ teams.”
3. “Boys’ sports bring in more money than girls’ sports.”

Rally for Girls' Sports: She'll win more than a game

Public Education & Outreach

- Outreach on E-mail, Facebook and Twitter
- Public Education Opportunities
- Technical Assistance
- Hotline: 1-855-HER-GAME (1-855-437-4263)
report inequities

Enforcement

- 12 Title IX complaints filed with the Department of Education against school districts for failing to provide girls with equal opportunities to play sports



NWLC Complaints

- Filed against 12 school districts—one in each OCR region.
- Districts were identified based on their own data submitted to OCR, which indicate that they are failing to provide girls with equal opportunities to play sports.
- Districts vary in size, locale (urban, rural, suburban), and diversity of the student population.
- Schools selected are examples of a much larger problem.
- Complaints call on OCR to investigate all high schools in the districts.



Complaints Highlight Huge Participation Gaps

SCHOOL DISTRICTS			SAMPLE SCHOOLS		
SCHOOL DISTRICT	AVERAGE PARTICIPATION GAP*	NUMBER OF GIRLS' OPPORTUNITIES LOST**	SAMPLE SCHOOL	PARTICIPATION GAP	NUMBER OF GIRLS' OPPORTUNITIES LOST
Chicago Public Schools (IL)	33.0%	7294	Marshall Metropolitan High School	40.8%	116
Sioux Falls School District (SD)	15.6%	569	Washington High School	19.9%	241
Oldham County Schools (KY)	12.9%	193	Oldham County High School	18.8%	73
Henry County Schools (GA)	12.5%	430	Stockbridge High School	28.9%	124
Houston Independent School District (TX)	11.9%	2404	Sterling High School	20.3%	138
Wake County Public School System (NC)	11.8%	2,620	Wake Forest-Rolesville High School	18.7%	233
Irvine Unified School District (CA)	10.6%	767	Northwood High School	11.5%	223
Columbus City Schools (OH)	10.4%	982	West High School	15.5%	74
Deer Valley Unified School District (AZ)	10.2%	739	Deer Valley High School	14.1%	202
Clark County School District (NV)	10.1%	3,591	Coronado High School	13.7%	228
Worcester Public Schools (MA)	9.2%	657	North High School	18.1%	108
New York City Department of Education (NY)	7.9%	16,993	Washington Irving High School	11.2%	291

Source: 2006, Department of Education, Office for Civil Rights, Civil Rights Data Collection, <http://ocrdata.ed.gov/Default.aspx>. (Schools are included when data are available regarding both enrollment and athletic participation.)

* Average Participation Gap: The average of the participation gaps of schools in the district.

**Number of Girls' Opportunities Lost: The sum of the number of opportunities lost at each school in the district.

Sample Sports Not Offered to Girls in Districts

- ⦿ Soccer
- ⦿ Softball
- ⦿ Tennis
- ⦿ Swimming & Diving
- ⦿ Golf
- ⦿ Lacrosse
- ⦿ Field Hockey
- ⦿ Bowling
- ⦿ Gymnastics



* Examples of sports sponsored by relevant state high school athletic associations that are not offered to girls at one or more of the 12 districts

Athletic Scholarships

- ⦿ The total scholarship dollars awarded to male and female athletes must be within one percent or one scholarship, whichever is greater, of their participation rates, absent a legitimate nondiscriminatory reason.
- ⦿ Focus is on the overall dollar amount rather than the number

provided
of scholarships.





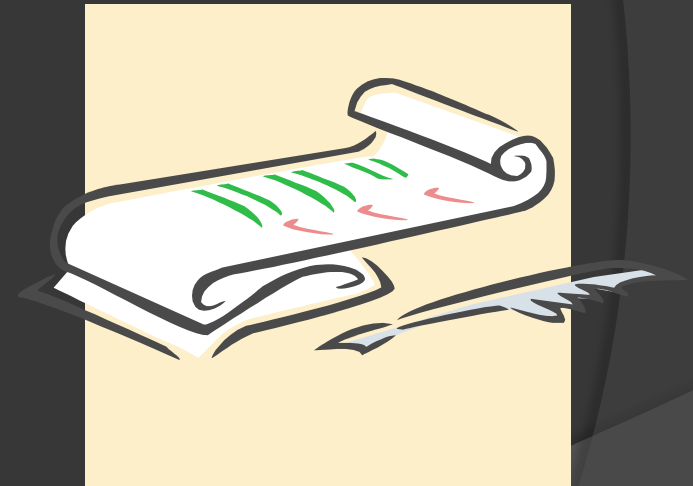
Gender Equity in Difficult Economic Times

- Any cuts in athletic opportunities or benefits due to budget issues must not exacerbate existing gender inequalities or create new ones.
- If not equal, cuts likely to aggravate existing inequality and violate T9.
- If equal but cuts disproportionate, could create inequality and violate T9.

Equal Benefits/Services

*Boys' and girls' athletics programs must be **equal overall**,* including:*

- Scheduling
- Travel
- Coaching
- Locker rooms/facilities
- Medical/training services
- Publicity
- Recruiting
- Tutoring
- Housing/dining



* No “booster club” exception



A Common Problem

Girls' softball field at Bowie High School in Prince George's Co



Boys' baseball field at Bowie High School in Prince George's County, Maryland




Adequate Defenses to Unequal Treatment?

1. “There aren’t enough fields or facilities to allow girls and boys to play in the same season.”
2. “Even if the girls’ soccer team is treated worse than the boys’ soccer team, the girls’ basketball team is treated better than the boys’ basketball team.”
3. “The boys’ equipment costs more than the girls’ equipment.”
4. “More people come to the boys’ games so they deserve the better schedule.”



Additional Points

- ⦿ There is no requirement that schools spend the same amount of money on male and female athletes, but differences in spending can raise red flags about second-class treatment.
- ⦿ That money is provided by a booster club or other outside funding to support a team is not a defense to disparities in benefits or services.
- ⦿ Provisions addressing coaching and tutoring create two sets of rights: those of the coaches/tutors not to be discriminated against and those of the student-athletes to receive equal quality coaching and tutoring.
- ⦿ Schools must treat males and females equally with respect to recruitment.



Eligibility/Inclusion of Transgender Athletes

- 2010 report by NCLR: *On the Team*. Includes policy recs, best practices.
- High school: All students are eligible to compete on teams consistent with their gender identity, regardless of whether has undertaken any medical treatment.
- Encourages school community to use appropriate pronouns regarding transgender students, regardless of what team the student competes for.
 - Press notes that NFHS members were included in discussions

Transgender Athletes at Post-Secondary Level

- NCAA: New policy released, intended to increase inclusion and to be make NCAA policies consistent with school diversity/anti-discrimination policies.
- Any transgender student-athlete who is not taking hormone therapy related to gender transition may participate on the team consistent with their assigned birth gender.
- Female transgender students, (male-to-female transition) may participate on a female team after undergoing one year of testosterone-suppression therapy.
- Male transgender students (female-to-male transition) who have received testosterone therapy, (after obtaining a “medical exception” waiver for the use of a banned substance), may compete on a men’s team, but may no longer compete on a women’s team.

Title IX: Pregnancy



BASIC RULES


- ⦿ Schools may not discriminate (in academic or extracurricular activities) based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions.
- ⦿ Schools must treat students affected by pregnancy and related medical conditions the same as students similarly affected by temporary disabilities.



Why so critical?



- ⦿ Fairness and equality
- ⦿ Short and long-term impact on life outcomes
 - for students
 - for their children



Effect of Pregnancy on HS Graduation Rates

- One-half of female dropouts say that becoming a parent was a factor in their decision to leave school; one-third said it was a *major* factor.
- Factor for boys too, to a lesser extent
- Most likely to say would have worked harder if their schools had demanded more of them and provided support.

Source: Gates Foundation Dropouts Survey, September/October 2005



Educational Outcomes

- From National Longitudinal Survey of Youth (2007 cohort):
 - **Only 51%** of women who were teen mothers earned their high school diplomas by age 22
 - **Compared to 89%** of their peers who did not have children as teenagers
 - **Only 38%** of women who had a child before age 18 got their HS diplomas by 22.



Educational Outcomes (cont.)

- ◎ One in three (34%) earned *neither* a diploma nor a GED by age 22.
 - Compared to only 6% of women who had not had a teen birth.
- ◎ Less than 2% of young teen mothers (those who have a baby before age 18) attain a college degree by age 30.

Barriers faced by pregnant and parenting students

⦿ Discrimination:

- Insufficient time to recover post-partum
- Not allowed to make up work missed
- Not allowed to receive student recognition
- Stigmatized, harassed
- Steered into alternative programs that are not rigorous and do not keep them on track for graduation

More barriers

- Child care
- Transportation
- Juggling challenge
- Lack of guidance, support, encouragement
- Stereotypes internalized, affects engagement in school

Title IX Regulations on Treatment of P/P Students

- Equal access to school and activities.
- Special programs or schools must be *voluntary*.
- Doctor's note can be requested only if done for all students with conditions requiring medical care.
- Absences must be excused for as long as student's doctor deems medically necessary.
- Special services for temporarily disabled must be offered to pregnant students too.



True or False ?



1. Your school can recommend that pregnant and parenting students attend special programs/schools that target their needs.
2. Colleges can terminate or reduce an athletic scholarship due to pregnancy.
3. Your school has to provide pregnant and parenting students with accommodations such as at-home tutoring.

Examples of Title IX Violations

School District in Georgia

- Students who have been pregnant cannot participate in certain extracurricular activities
- Students must return to school within one week (or one day) of giving birth
- Absences following childbirth are not excused
- Pregnant or postpartum students not eligible for homebound instruction

Examples of Title IX Violations

School District in Michigan

- Encouraged student to get GED instead of high school diploma
- Prevented student from making up work missed while recovering from childbirth
- Pregnant or postpartum students not eligible for homebound instruction

State and local laws can provide additional protections.

E.g., North Carolina, New York City:

- Absences due to the illness or medical appointment of student's child must be excused if he or she is custodial parent.
- Homework and make-up work shall be made available to PPS during absences.
- To extent necessary, homebound teacher shall be assigned.

From civil rights law to good educational policy

What *can and should* schools do to improve the graduation rates and success of pregnant and parenting students?



Recommendations

- Ensure compliance with Title IX (school climate)
- Excused absences for illness or medical appt. of student's child
- Flexibility in scheduling
- Goal-setting and guidance, encouragement
- Individualized graduation plans
- Home instruction during maternity leave
- Child care, transportation assistance
- Secondary pregnancy prevention
- Access to social services and health care
- "Parenting" classes teaching range of life skills
- Outreach to dropouts

Pregnancy is not contagious!

“I want . . . To dispel the myth that [providing these services in the same school setting] will make other girls want to get pregnant. It hasn't. And it's very cost effective.”

- Asst. Superintendent in Texas who started program providing supports to pregnant and parenting students in mainstream high school.



FAQs

- ① ***“How do we know if a student can continue going to school or doing sports or other activities once she is pregnant?”***
- ① ***“Isn’t it dangerous for a pregnant student to attend school late in her pregnancy? Our school does not want to be responsible for her health and safety at that point.”***



FAQs

- ① ***“I’m a school administrator and it is fine with me if pregnant girls keep coming to school but one of my teachers does not want them in his class. That means I’m not violating Title IX myself, right?”***
- ① ***“If we give special treatment to pregnant and parenting students, other students will want to get pregnant too. Shouldn’t we instead “make an example” out of the students who get pregnant?”***



Another FAQ: Breastfeeding

- **Title IX does not directly address**
- **Good educational policy**
- **CT ST § 53-34b.** No person may restrict or limit the right of a mother to breast-feed her child.
- **CT ST § 46a-64. Discriminatory public accommodations practices prohibited. Penalty.**
- **CT ST § 31-40w. Breastfeeding in the workplace.**



CT State Dept of Education

- ◎ Teen Parent Program Manager:
 - Shelby Pons, shelby.pons@ct.gov or
 - 860-807-2103
- ◎ Pregnancy Assistance Fund grant
 - \$2 million/year for 3 years
 - Support to: Hartford, New Haven, Bridgeport, New Britain & Waterbury
 - Each district will provide services to 50 pregnant and parenting teens via a coordinated model.

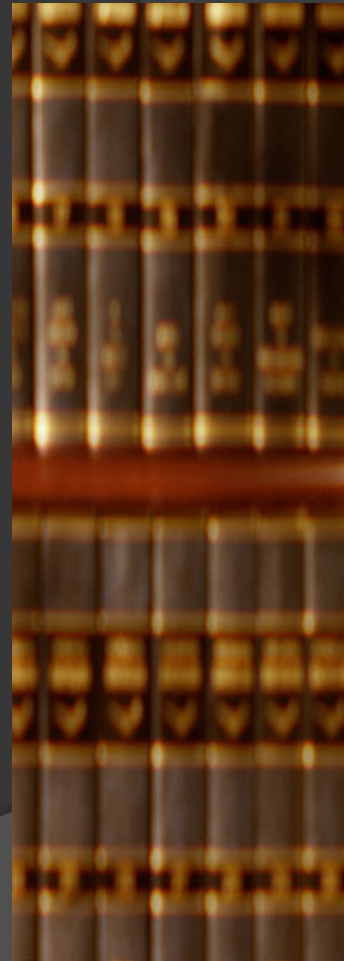


P/P Students Access to Education Act of 2011

- ⦿ H.R. 2167 (Reps. Polis and Chu)
- ⦿ Focus on policy review and changes
- ⦿ Coordination and planning
- ⦿ Funding for educational and related services
- ⦿ Improving school climate for pregnant and parenting students, to help them stay in school and succeed

Title IX: Single Sex Programs

Both Title IX and the U.S. Constitution set **limits** on when single sex programs are permissible.



Why?



- **Students are excluded** from programs from which they may benefit based solely on their gender.
- Single sex programs can reinforce **gender stereotypes** that are harmful to *both* boys and girls
- Girls have historically received, and will likely continue to receive, **fewer resources and opportunities** in all-female environments.

Title IX and Single-Sex Schools

Title IX statute specifically exempts:

- ⦿ non-vocational elementary and secondary institutions
- ⦿ private undergraduate institutions
- ⦿ public undergraduate institutions that traditionally and continually from their establishment have had a policy of admitting only students of one sex
- ⦿ institutions whose primary purpose is the training of individuals for the military services or the merchant marine

Title IX and Single-Sex Classes



Since its enactment, Title IX regulations have permitted single-sex classes:

1. Under common-sense circumstances:

- ⦿ Human sexuality classes
- ⦿ Physical education classes in contact sports
- ⦿ Choirs for a specific vocal range

2. To compensate for historical discrimination that has denied students of one gender access to equal educational opportunities.

Title IX: 2006 Regulations

- ⦿ Allow schools to make decisions to adopt single-sex programs based on their own assessments of the needs of students, simple assertions of educational benefit, or a desire to provide a variety of choices.
- ⦿ Don't comport with Title IX or constitutional standards.
- ⦿ Do not require equality of opportunity for the excluded gender.



U.S. Constitution and Single-Sex Programs

Single-sex programs will survive constitutional scrutiny only if they:

- ⦿ Are **substantially related** to
- ⦿ An **exceedingly persuasive justification**;
and
- ⦿ They provide **equal opportunity to the excluded gender**.

What Is An “Exceedingly Persuasive Justification”?

Compensatory purposes – i.e., to overcome barriers that have limited opportunities for students of one gender



What Is “Substantially Related”?

Evaluate fit between **means** and justifiable **ends**



What Is “Equal Opportunity for the Excluded Gender”?

Unless the single sex program is adopted for affirmative action purposes, a school must show that each gender is treated equally in all **tangible** and **intangible** ways.





Do Current Title IX Regs Meet These Legal Standards?

NO!

- ⦿ Permit single-sex programs based on vague objectives that can **rely on stereotypes and parental preferences**
- ⦿ Assume “substantial relationship” based on **equivocal evidence**
- ⦿ Do not require **equal opportunity for the excluded gender**

Do Current Title IX Regs Meet Good Policy Standards?

NO!

- ⦿ Encourage schools to divert resources from proven educational reforms
- ⦿ Provide no effective accountability for experimentation



Gender Stereotypes persist

- ⦿ “Girls have difficulty learning some math . . . for biological reasons. Adolescent males receive surges of the hormone testosterone five to seven times a day; this can increase spatial skills, such as higher math.” Girls may perform well on math tests only “a few days per month” due to their “menstrual cycle.”
- ⦿ “[I]t’s useful for young males to engage in play-fighting,” while for females, it’s useful to practice “taking care of a little baby.”



Why are gender stereotypes so harmful?

- ⦿ Our Constitution's guarantee of Equal Protection of the laws
- ⦿ Real harm:
 - Reinforcing sex stereotypes in the minds of boys and girls themselves, thus further limiting students' opportunities.
 - "By teaching to perceived differences, in many cases, educators unwittingly ignored the power of schooling in shaping gender ideologies." (Diane Halpern)
 - Career patterns, occupational segregation



Debunking Myths

- “Overall, boys’ and girls’ brains are remarkably alike.” (Dr. Lise Eliot: *Pink Brain, Blue Brain*)
- In reality, the differences *among* boys and *among* girls are far greater than average differences between boys and girls as groups (Janet Shibley Hyde, Univ. of Wisconsin)



Are These Single Sex Programs Permissible?

1. Weasley High School offers a remedial reading class for boys only because tests show that boys generally lag behind girls in this subject.
2. Granger Regional School District wants to separate boys and girls for physical education based on the belief that girls will work out harder if there are no boys around.
3. Lupin School offers an all-girls' technology club. To ease girls in, it focuses on practical computer applications rather than programming.



Doe v. Vermilion Parish

- ⦿ Program flawed; principal falsified dissertation on which program was based
- ⦿ Harmful stereotypes
 - Boys' quiz about bikes, girls' quiz about bracelets
 - Boys read *Where the Red Fern Grows*, girls read *The Witch of Blackbird Pond*
 - Teacher: “boys are more interested in sports and fishing and hunting and . . . girls were interested in princesses and magic and fairy tales.”
- ⦿ No coeducational option (special ed only)

Doe v. Vermilion Parish (cont.)

- ⦿ District Court judge failed to apply heightened scrutiny
- ⦿ Said no liability b/c no “intent to harm” and single-sex education is in “best interests of the child”
- ⦿ NWLC filed amicus brief
- ⦿ Court of Appeals reversed and sent case back to District Court

“The Pseudoscience of Single Sex Schooling”

- Science magazine, September 2011, <http://www.sciencemag.org/content/333/6050/1706.full>
- By social scientists who founded American Council for CoEducational Schooling
- No scientific evid. supports idea that single-sex leads to better outcomes.
- Leads to stereotyping



Recent Statement by OCR:

● “When you’re talking about separating students, treating them differently, you want to do it in a way that’s constitutional, and you want to make sure that there is adequate justification. We certainly want to safeguard against stereotyping.”

- Russlynn Ali, Assistant Secretary of Education for Civil Rights

Title IX: LGBTQ students

- Developing area of the law
- Many LGBTQ students, families, and schools have used law effectively to protect their educations
- Sometimes the law lets us down
- Legal losses don't change their fundamental, human right to be safe and thrive

Title IX theories

- ⦿ Remember: sex discrimination includes *sex stereotyping*
- ⦿ Anti-LGBTQ discrimination as sex stereotyping
- ⦿ For trans students: “straight-forward” sex discrimination
 - Religious conversion analogy

And remember...

- Protections for sexual harassment survivors apply to all students

What do courts say?

- Growing consensus in courts that sex discrimination includes anti-LGBTQ discrimination
- But Supreme Court hasn't weighed in yet

U.S. Department of Education

- For many years during Obama Administration, Office for Civil Rights (OCR) said Title IX protects trans students
- Spring 2016: OCR releases guidance on Title IX protections for trans students
- Winter 2017: OCR rescinds guidance
- The law is the law!

Connecticut leads the way!

- Conn. Gen. Stat. 10-15c was amended in 1997 to add “sexual orientation” to the list of characteristics upon which discrimination is forbidden in public schools
- In 2011, added “gender identity” to the list

2017 Connecticut guidance

- On Governor Malloy's order, State Dept of Ed released guidance about protecting trans students
- "Public schools must provide students with an equal opportunity to participate in school activities, programs, and courses of study without discrimination on account of gender identity or expression"

2017 Conn. guidance (cont'd)

- Gender identity need not be consistent or recorded in ID
- Schools must use pronouns, names, and gender markers consistent with gender identity
- Schools must allow students to access sex-specific programs and spaces consistent with gender identity

Title IX: Discipline

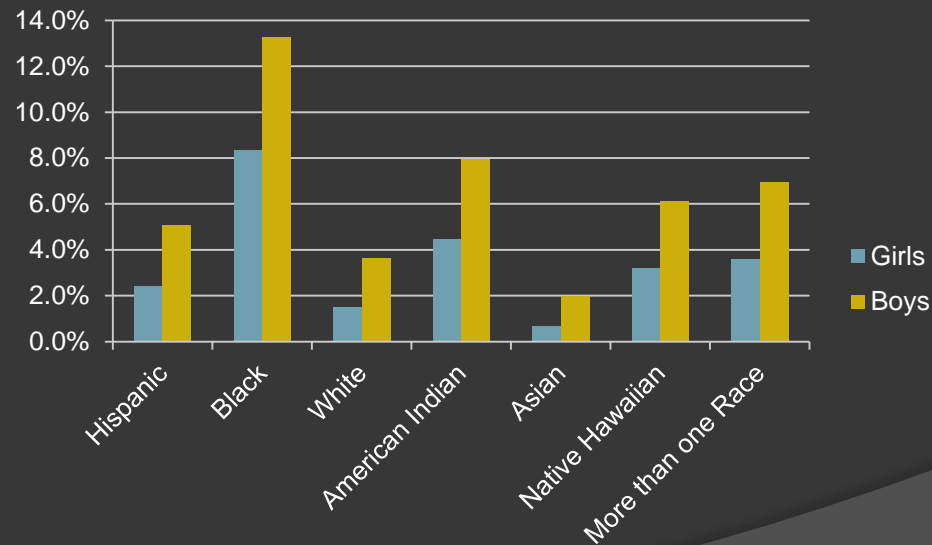
- Student discipline is a problem for girls, too!
- Girls are disciplined for deviating from gender norms
- But law is clear: cannot punish students because of sex or sex stereotypes

Impact

- Lost class time that leads to lower grades and achievement.
- Higher drop out rates (suspension increases rate of dropping out by at least 12%), leading to fewer economic opportunities in adulthood
- Increased behavior problems
- Mistrust or resentment of adults or educational systems
- Increased risk of involvement with juvenile justice systems, where girls are fastest growing population.

Impact on Black girls

- After Black boys, Black girls are more likely to be suspended than all other races of boys and girls
- Black girls are more likely to receive multiple suspensions than any other race and gender



Impact on Black girls (con't)

- In preschools, Black girls are 20% of girls enrolled but 54% of the girls receiving out-of-school suspensions.
- Preschool Black girls are twice as likely to be suspended as white girls.
- K-12 Black girls are 16% of girls' total school enrollment but 45% of suspensions.
- K-12 Black girls are 5.5 times more likely to be suspended from school than white girls.

Further racial disparities

- ⦿ American Indian/ Native Alaskan girls are twice as likely to be suspended from school as white girls.
- ⦿ Multiple race girls are nearly 2.5 times as likely as white girls to receive one or more suspensions.
- ⦿ There is no evidence that girls of color break the rules more frequently or more seriously.

Race and gender stereotypes

- ◉ Intersection of race and gender stereotypes affect how girls of color are perceived.
 - Stereotypical images of Black women and girls as loud, confrontational, assertive, and provocative contrast with white, middle class notions of femininity, which require girls to be passive and modest.
 - Adults also often read girls of color as more sexually mature and experienced than their white peers
 - This can lead to harsh punishments for behavior tolerated in white girls, including dress code violations or subjective offenses like “disobedience.”

Punishing trauma

- Girls are often punished for acting out in response to trauma.
- Girls may be punished for behavior incident to reported trauma.
 - Ex: A girl reports that she was raped in the bathroom. The school punished her for consensual sexual conduct before the rape.
- Many schools have police officers in classrooms but no counselors.
 - New York City, Chicago, Miami-Dade County, and Houston schools all have more security officers than counselors.

**UNIT 3: FORMAL
RESPONSIBILITIES OF TITLE IX
COORDINATORS**

Stipulations

1. School systems or other recipients of federal funds must designate at least one employee as the Title IX coordinator to oversee compliance efforts and investigate any complaints of sex discrimination.

Although at least one employee

is required to be designated to coordinate compliance with Title IX, it is the shared responsibility of an entire school district, from top-level administration to individual staff, to foster compliance.

Stipulations

2. All students and employees must be notified of the names, office address(es), and telephone number(s) of the designated coordinator(s) of Title IX.

Who is YOUR Title IX Coordinator?

Stipulations

3. Grievance procedures and nondiscrimination policies must be made public.

Title IX - at 34 C.F.R. § 106.9

Require that each recipient publish a statement (notice) that it does not discriminate on the basis of sex in the education programs or activities it operates. The notice must state, at a minimum, that the recipient does not discriminate on the basis of sex in admission to or employment in its education programs or activities. The notice must further state that inquiries to recipients concerning the application of Title IX and its implementing regulations may be referred to the Title IX coordinator or to OCR.

Title IX - Notice

Section 106.9(b) requires that the notice of nondiscrimination be displayed prominently in each announcement, bulletin, catalog, or application form used in connection with recruitment of students or employees. The notice should also include the name, office address, and telephone number for the designated Title IX coordinator.

Stipulations

4. Recipient school systems had to perform a one-time self-evaluation, with obligations to modify practices that did not comply with Title IX.

Stipulations

5. School systems may take remedial and affirmative steps to increase the participation of students in programs or activities where bias has occurred.

Core Responsibilities of Title IX Coordinators

- ① Develop and maintain a working knowledge of Title IX and relevant state laws.
- ① Monitor school district's compliance with legal requirements.
 - Ensure school district has required policies and procedures in place.
 - Conduct evaluations of school compliance.
 - Arrange for training for staff and students.
 - Provide and update resources.
 - Ensure prompt and effective processing of complaints.

Informational File Trays

- Non-Discrimination Statement including name, title, address, email address and phone number of the Title IX/504/ADA Coordinator
- Copies of the school's policies on non-discrimination and the procedures for both staff and students/parents to file complaints.



Informational File Trays

- Copies of any forms that are required or at least a guide to what needs to be in a written complaint.



Informational File Trays

- List of Contacts – school staff responsible for handling complaints, the Regional Office of the USDOE Office for Civil Rights, the State Human Rights Commission, any state commissions or agencies that deal with equity - Permanent Commission on the Status of Women, and the State Dept. of Ed. Equity Contact, and any other appropriate advocacy agency.



Informational File Trays

- Pertinent state and school Bullying and Harassment Policies.



Where do I put these File Trays?

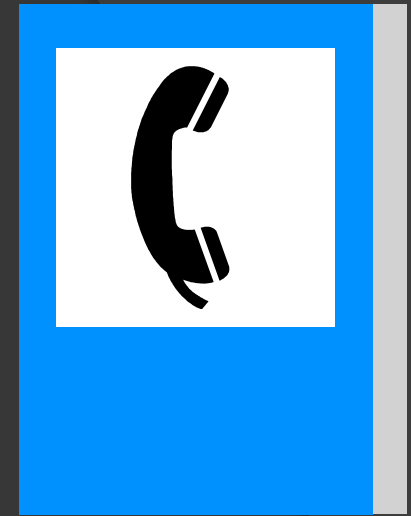
- School Office
- Hallways
- Cafeteria
- Library
- Nurses Office
- Guidance Office

Where do I put these File Trays?

- Social Worker Office
- Psychologist Office
- Counselor's Office
- Gym Teacher & Athletic Director Office
- School Board Meetings
- Website

“Help Me” H0T Line

- Create a dedicated phone number to handle complaints and inquiries – 1-800-FOR-HELP
- Create a dedicated email address to handle complaints and inquiries – HELPME@myschool.com
- Create online complaint forms



WHERE CAN YOU GET

HELP?

Available Resources



To File a Complaint or Get Technical Assistance . . .

Boston Office Office for Civil Rights
US Department of Education, 8th Floor
5 Post Office Square
Boston, MA 02109-3921
Telephone: 617-289-0111
FAX: 617-289-0150; TDD: 877-521-2172
Email: OCR.Boston@ed.gov

OCR on the web:

<http://www.ed.gov/about/offices/list/ocr/know.html>

OCR Electronic Complaint Form:

<http://www.ed.gov/about/offices/list/ocr/complaintintro.html>

To File a Complaint or Get Technical Assistance . . .

The Commission on Human Rights and Opportunities (CHRO)

450 Columbus Blvd, Hartford, CT 06106

Tel: 860-541-3400 or

800-477-5737

Web site: <http://www.state.ct.us/chro/>

State Department of Education Website

<http://www.state.ct.us/sde/>

Click on
“Bureau of Accountability &
Improvement”

You May Also Consider And Advise

- Calling the Police
- Calling DCF
- Obtaining a Lawyer
- Seek Revocation of Teaching Certification
- Combination of the above





The New England Equity Assistance Ctr @ Brown Univ.

Randy Ross

Program Specialist/Gender Equity

New England Equity Assistance Center

Education Alliance at Brown University

4 Richmond Square, 4th Floor

Providence, RI 02906

Telephone: (401) 867-8943

Fax: (401) 421-7650

Randy_Ross@brown.edu

National Women's Law Center

National Women's Law Center

11 Dupont Circle, Suite 800 Washington, DC
20036

Tel: (202) 588-5180

Email: info@nwlc.org

Websites: <http://www.nwlc.org>

and www.titleix.info

Connecticut Women's Education & Legal Fund

75 Charter Oak Ave. Suite 1300

Hartford, CT 06106

Tel: 860-247-6090

Fax: 860-524-0705

Info & referral-

860-524-0601 or 800-479-2949

Email: cwealf@cwealf.org

Website: <http://www.cwealf.org>

Permanent Commission on the Status of Women

18-20 Trinity Street

Hartford, Ct 06106

Tel: 860-240-8300

Fax: 860-240-8314

Email: PCSW@po.state.ct.us

Website: <http://www.cga.state.ct.us/pcsw/>

PFLAG - Parents, Families & Friends of Lesbians & Gays

PFLAG National Office

1726 M Street, NW Suite
400 Washington, DC 20036

Tel: (202) 467-8180

Fax: (202) 467-8194

Website: <http://www.pflag.org/>

GLSEN- The Gay, Lesbian and Straight Education Network

GLSEN National Office

121 West 27th Street, Ste 804

New York, NY 10001

Tel: 212-727-0135.

Fax: 212-727-0254

E-mail: glsen@glsen.org

Website: <http://www.glsen.org/>

National Center for Lesbian Rights

870 Market Street Suite 370

San Francisco CA 94102

tel 415.392.6257

info@nclrights.org

www.nclrights.org

- PDF of report on Equal Opportunity for Transgender Student Athletes:

<http://www.nclrights.org/site/DocServer/TransgenderStudentAthleteReport.pdf?docID=7901>