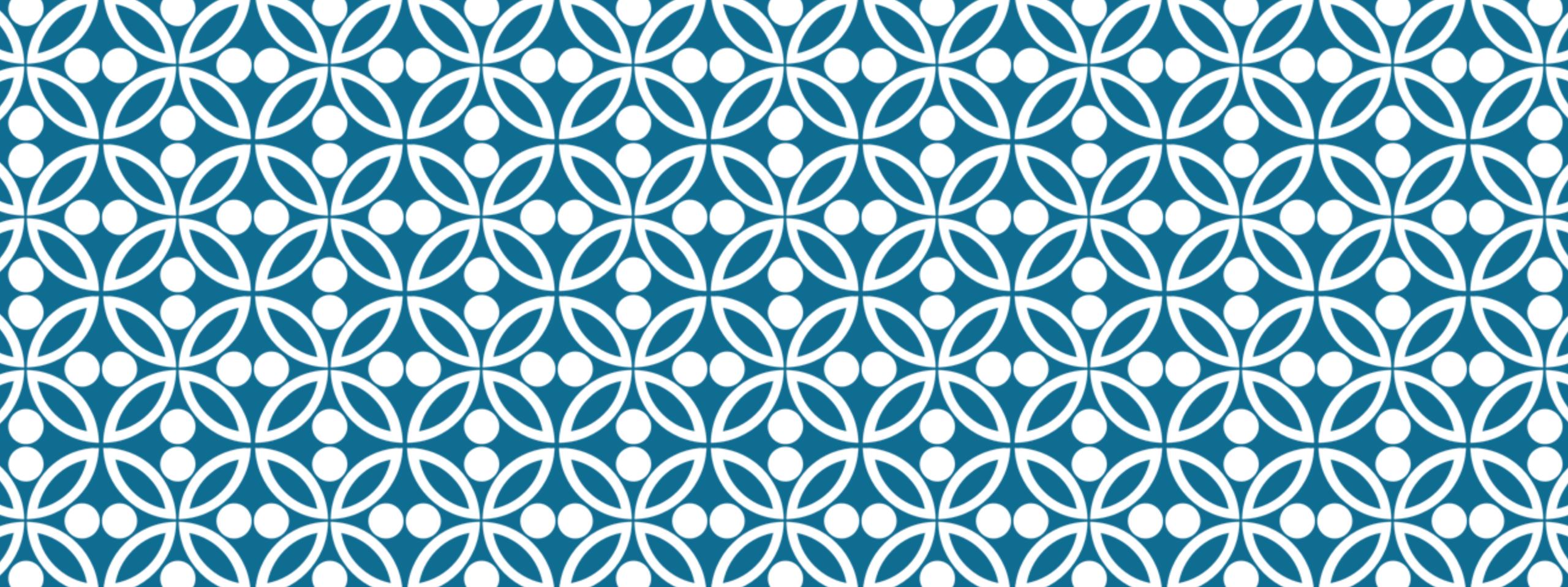




TITLE IX

CALIFORNIA
WOMEN'S
LAW CENTER

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WHAT IS TITLE IX?

TITLE IX

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 is a federal law prohibiting gender discrimination in any private or public elementary, middle, and high school, college and/or university receiving federal funds.

A Brief History of Title IX

Title IX is enacted by Congress in the Education Amendments and is signed into law by President Richard Nixon

President Ford signs Title IX athletics regulations and submits them for congressional review

Department of Education is established and given oversight of Title IX through the Office of Civil Rights

Haffer v. Temple University
Title IX athletics lawsuit won by plaintiff female athletes giving a new direction to athletic departments

1972

1975

1980

1988



Under *Franklin v. Gwinnett County Public Schools*, monetary damages became available under Title IX

1992

Supreme Court rulings recognize sexual harassment and assault as a form of sex discrimination prohibited by Title IX

1990-1999

Commission on Opportunities in Athletics was established by US Secretary of Education, Rod Paige

2002

U.S. Department of Education sent out an open letter to schools explaining how Title IV can be used to prevent and respond to campus discrimination, harassment and sexual violence

2011

THE IMPACT OF TITLE IX

- ❖ In 2009, approximately 87% of women had at least a high school degree and approximately 28% had at least a college degree. Whereas, in 1970, only 59% of women had a high school degree and 8% of women had a college degree.
- ❖ Since 1968, the percentage of women between 25 and 34 with at least a college degree has tripled.
- ❖ Women now have higher graduation rates, lower high school dropout rates and higher education attainment when compared to male counterparts.



TITLE IX AND SEXUAL ASSAULT/SEXUAL HARASSMENT

SEXUAL ASSAULT V. SEXUAL HARASSMENT: UNDERSTANDING THE DIFFERENCE

Sexual Assault

Sexual Assault includes knowingly causing a person to engage in a sexual act, threatening or placing another person in fear, or engaging in a sexual act with another person that is incapable of consenting or is unaware of the nature of the conduct.

Sexual Harassment

Sexual harassment includes **any unwelcome behavior that is sexual in nature** including name-calling, unwanted sexual advances, acts of physical aggression, posting of inappropriate images or messages, or any other actions that may be threatening, humiliating or harmful.

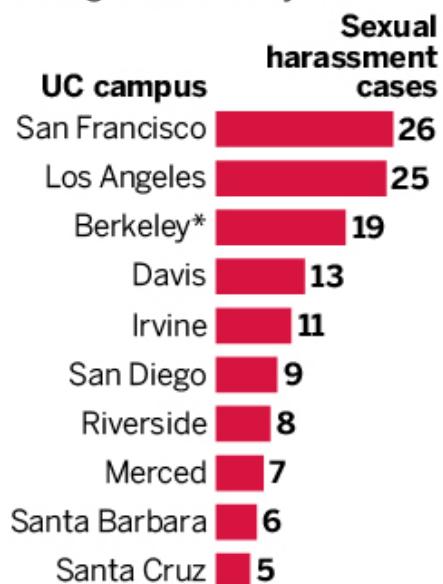
EFFECTS OF EXPERIENCING SEXUAL ASSAULT

- ❖ 34% of college aged survivors of sexual assault have experienced PTSD as opposed to 9% of individuals who have not been sexually assaulted.
- ❖ 33% of college-aged survivors have experienced depression as opposed to 11% of individuals who have not been sexually assaulted.
- ❖ 40% of college-aged survivors abuse drugs or alcohol, whereas 17% of individuals who have not been sexually assaulted.

SCHOOL EXPERIENCES SEXUAL ASSAULT AND HARASSMENT

SEXUAL HARASSMENT IN UC SYSTEM

Newly released records show sexual harassment cases throughout the UC system.



*Released last year.

Footnote: Cases are from January 2013 to April 2016 and all resulted in discipline.

Source: University of California
BAY AREA NEWS GROUP

- ❖ Approximately 19% of women will be sexually assaulted during their time in college.
- ❖ More than 60% of college undergraduates have experienced some sort of sexual harassment.
- ❖ 84% of female survivors report that they were sexually assaulted during their first **four** semesters of college.
- ❖ The majority of undetected college rapists are serial predators, committing an average of 6 rapes each.
- ❖ Only 12% of college aged survivors report the sexual assault to the police.
- ❖ The issue isn't only in college, nearly **half** of middle and high school students report being sexually harassed.

SEXUAL ASSAULT AND MINORITY GROUPS

- ❖ Approximately 34% of multiracial women, 27% of Alaska Native/ American Indian women, 22% of African American women, and 14.6% of Hispanic women are survivors of sexual abuse.
- ❖ There are less than **five** rape crisis centers (out of 17,000 total) that cater to sexual assault survivors in the Native American community. (Olive, 2012)
- ❖ Additionally, poverty increases the likelihood of being subjected to sexual assault.

TITLE IX AND PREGNANT/PARENTING STUDENTS

TITLE IX AND PREGNANT/PARENTING STUDENTS

- ❖ Title IX prohibits discrimination against a student based on pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery from any of these conditions.
- ❖ Schools must excuse absences because of pregnancy or childbirth for as long as the student's doctor deems the absences medically necessary.
- ❖ It is illegal for schools to exclude pregnant or parenting students from participating in any educational program (e.g. advanced placement courses, honor societies, etc.).
- ❖ Schools cannot require a pregnant or parenting student to participate in a separate program, they can merely provide information on alternative programs.

THE REALITY FOR PREGNANT AND PARENTING STUDENTS

- ❖ 22% of high school women who gave birth receive a high school diploma by age **twenty-two**, whereas 89% of those who didn't give birth receive a high school diploma by twenty-two.
- ❖ Fewer than 2% of teen mothers attain a college degree by age **thirty**.
- ❖ **1/2 of female dropouts** say that becoming a parent was a factor in their decision to leave high school.
- ❖ Pregnant and parenting students often face discrimination such as policies that segregate or exclude them from school activities or keep them from making up missed work.
- ❖ Title IX is not widely enforced in all schools and there is a lack of compliance reviews and education efforts to inform students of their rights under the law.

TEEN PREGNANCY BY AGE AND RACE

White:

- Age 15-17: 6 per 1,000 females
- Age 18-19: 31 per 1,000 females

Black:

- Age 15-17: 15 per 1,000 females
- Age 18-19: 57 per 1,000 females

Hispanic

- Age 15-17: 17 per 1,000 females
- Age 18-19: 62 per 1,000 females

Native American

- Age 15-17: 13 per 1,000 females
- Age 18-19: 46 per 1,000 females

Asian/Pacific Islander

- Age 15-17: 3 per 1,000 females
- Age 18-19: 13 per 1,000 females

TITLE IX AND SPORTS

TITLE IX AND SPORTS

There are three parts of Title IX as it applies to athletics:

1. Participation- Title IX requires that women and men be provided equitable opportunities to participate in sports (does not have to be identical sports, but must be an equal opportunity to play)

2. Scholarships- Title IX requires that female and male athletes receive athletic scholarship dollars proportional to their participation

3. Other Benefits- Title IX requires the equal treatment of female and male student-athletes in the provision of:

- Equipment and supplies
- Scheduling of games and practice times
- Travel
- Access to tutoring
- Coaching
- Locker rooms, practice and competitive facilities
- Housing and dining services and facilities
- Publicity and promotion
- Support services
- Recruitment

PLAYING SPORTS BENEFITS GIRLS

Girls who play sports:

- ❖ Are in better physical health
- ❖ Have better grades in school and have a lower dropout rate than girls who do not play sports.
- ❖ Experience more community involvement and a more diverse social life.
- ❖ Tend to have better emotional and psychological health than girls who do not play sports
- ❖ Learn about teamwork, goal-setting, and are more likely to graduate

According to Dr. William Morgan of the University of Arizona, “Athletes are less depressed, more stable and high higher psychological vigor than the general public.”

SCHOOL COMPLIANCE WITH TITLE IX

There is a **three-part test** to determine whether or not a school is in compliance with Title IX:

1. The percentage of spots on athletic teams allocated to males and females are substantially proportionate to the percentages of male and female students enrolled, or
2. The school has a history and continuing practice of expanding athletic opportunities for the underrepresented sex (whether male or female); or
3. The school's athletics program fully and effectively accommodates the interests and abilities of the underrepresented sex

ENFORCEMENT OF TITLE IX

- ❖ Make a complaint directly to the school itself or the school board
- ❖ Bring lawsuit in court through a female student and her family as the plaintiffs
- ❖ Make a complaint to the U.S. Department of Education, Office for Civil Rights ("OCR")
- ❖ Complaint to the California Interscholastic Federation
- ❖ Complaint to the California Department of Education

TITLE IX IMPACTS SPORTS

- ❖ Prior to the enactment of Title IX, there were only 295,000 girl athletes in U.S. high schools. Now there are more than **3 million** girl athletes in U.S. high schools.
- ❖ In college the number has grown from 30,000 to **more than 150,000** female athletes.

IS TITLE IX HELPING MINORITY GIRLS IN SPORTS?

According to a report by the US Department of Education, among high school sophomores, the participation rates for girls are as follows:

- ❖ 51% for White girls
- ❖ 40% for African-American girls
- ❖ 32% for Hispanic girls
- ❖ 34% for Asian/Pacific Islander girls

THE EFFECT OF UNEQUAL ACCESS FOR ALL RACES

Prior to the enactment of Title IX, minority female student athletes participated primarily in basketball and track & field. The lack of access to sports during middle and high school causes minority women to become underrepresented at the college level (in all but two sports).

Adequately Represented	Underrepresented
Division I Basketball: 50.6% of athletes	Lacrosse: 2.2% of athletes
Track and Field: 28% of athletes	Swimming: 2.0% of athletes Soccer: 5.3% of athletes Softball: 8.2% of athletes Volleyball: 11.6% of athletes

PARTICIPATION RATES DEPENDING ON LOCATION

Where the girls live impacts participation in sports:

- ❖ **Towns:** 46% of girls participate in sports
- ❖ **Rural areas:** 53% of girls participate in sports
- ❖ **Urban areas:** 25% of girls participate in sports

Why?

- ❖ Kids in poorer neighborhoods **lack parks and programs** and commonly **cannot afford club-based sports**.
- ❖ Schools that are majority minority have **fewer resources** and often do not allocate athletic opportunities equitably. Girls in these schools receive 39% of the opportunities that girls in majority white schools receive
- ❖ Cultural norms (no expectation to play sports)
- ❖ Historical barriers (less access to sports)

WHAT NEEDS TO CHANGE TO PROMOTE GREATER OPPORTUNITY FOR ALL GIRLS AND WOMEN?

- ❖ Greater enforcement of the law by the federal and state governments
- ❖ Self-policing of compliance by schools
- ❖ Greater transparency of information on sports participation and spending
- ❖ Schools should attempt to hire qualified women and minorities in positions of administrative authority. These individuals can serve as role models and can improve equity within the school.

Questions?