



Title IX: Ensuring Equity in Education for Women and Girls

Title IX of the Education Amendments of 1972 is the federal statute prohibiting sex discrimination in education programs and activities that receive federal financial assistance. The American Association of University Women strongly supports Title IX and opposes any efforts that would weaken its effectiveness or undermine its enforcement. AAUW's 2009-2011 Public Policy Program "...advocates vigorous enforcement of Title IX and all other civil rights laws pertaining to education."¹

The law states, "*No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.*"²

Enforcement: More than Athletics

Commonly known for creating opportunities for women and girls in athletics, Title IX affects all areas of education. It has made it possible for women to pursue careers as lawyers, doctors, mechanics, scientists and professional athletes. Title IX applies to institutions receiving federal funds and addresses these important areas:

- access and admission to higher education
- career and technical education
- education for pregnant and parenting students
- equity in math, science and technology education
- sexual harassment
- athletics

To ensure compliance with the law, Title IX regulations require recipients of federal education funding to evaluate their current policies and practices, adopt and publish grievance procedures and a policy against sex discrimination, and appoint at least one employee to coordinate efforts to comply with Title IX.

The Title IX regulations are enforced by the Office for Civil Rights at the U.S. Department of Education.³ Title IX prohibits retaliation for filing an OCR complaint or for advocating for a right protected by Title IX. The law also prohibits employment discrimination, but employment discrimination complaints filed with OCR are generally referred to the Equal Employment Opportunity Commission.

AAUW believes OCR must receive adequate funding and strengthen its efforts to enforce Title IX, not only by the thorough investigation of complaints but also through proactive compliance reviews at educational institutions. OCR should also be a reliable resource for technical assistance regarding implementation of Title IX, providing regular training through the department's regional offices as well as useful reference materials via the web and other avenues. OCR must resist pressure from some members of Congress and other Title IX opponents to weaken the regulations used to implement Title IX.

Attacks on Title IX

Since the passage of this landmark civil rights legislation, some opponents have sought to weaken or narrow the interpretation of the law. Historically, opposition to the law has centered on the requirements that ensure equity for women in athletics, but these efforts have broader implications for enforcement of Title IX in other areas of education.

- In the 1970s, members of Congress wanted to limit its scope and exclude so-called “revenue generating” programs (like football and men’s basketball) from complying with Title IX.
- In the 1980s, a damaging ruling by the U.S. Supreme Court found that Title IX only applied to programs receiving direct funding from the federal government.⁴ Later that same decade, this ruling was effectively reversed by the passage of the Civil Rights Restoration Act.⁵
- In the 1990s, some men’s teams charged that Title IX was responsible for the elimination of their athletic programs because it required institutions to meet “quotas” for female athletes, and they filed a series of lawsuits to challenge the law. To date, those suits have been dismissed by circuit and appellate courts, as well as the U.S. Supreme Court.⁶
- In March 2005, the U.S. Department of Education issued a new Title IX policy clarification which allows schools to prove compliance by using a less rigorous and thorough e-mail-based survey method, which jeopardizes the number of athletic opportunities that will be available to women on campus. AAUW believes this guidance is an under-the-radar attack on Title IX, meant to undermine the law and the 36 plus years of progress made by women and girls as a result of this landmark legislation.
- In October 2006, OCR announced its decision to issue final regulations to ease limits on single-sex education in public schools. The new regulations allow the exclusion of students from classes based on gender.⁷ While OCR suggested that discrimination against women is not as prevalent as it was in 1972 when Title IX was passed, OCR also admitted that, “There are still more gains to be made.”⁸ Despite this acknowledgement, OCR moved forward in its effort to weaken the regulatory underpinnings of the very law that brought about the massive achievements women and girls have made in the last 36 years. While the environment for women in education has vastly improved, this does not justify easing discrimination protections. AAUW believes single-sex education without proper attention to civil rights protections can reinforce problematic gender stereotypes, increase discrimination, and restrict the educational opportunities open to both girls and boys.
- Most recently, there has been talk of a so-called “boys’ crisis.” Title IX opponents have created the troubling myth that expanded educational opportunities for girls have come

at the expense of boys. These are the insidious implications underlying many of the recent assaults on Title IX, that in turn are fueling erroneous notions that Title IX's work is done. AAUW maintains that education is not a zero sum game, and that the real issue is about girls doing better, not about boys doing worse. While AAUW's recent report, *Where the Girls Are*, finds no evidence of a boys' crisis, it does reaffirm the large disparities in educational achievement by race/ethnicity and family income. If a crisis exists, it is a crisis for African American and Hispanic students and students from lower-income families – both girls and boys.⁹ Other research also debunks the "boys' crisis" and supports AAUW's position.¹⁰

Title IX's Work is Not Done

Title IX was designed to be a strong and comprehensive measure that would attack all forms of sex discrimination in education and, in so doing, provide educational opportunities formerly closed to women and girls. While Title IX has indeed succeeded in opening doors in the classroom and on the athletic field, inequities and barriers still remain. Through vigorous enforcement of the law and heightened public attention to these issues, even more progress can be made to address areas where more improvement must be made. Consider the following challenges girls and women still face:

- Sexual harassment remains pervasive in public schools – 83 percent of girls and 79 percent of boys surveyed have experienced it.¹¹ One in four students stated that harassment happens "often."¹²
- Sex segregation persists in career education, with women making up about 90 percent of the students enrolled in courses leading to traditionally female occupations such as cosmetology, child care, and health services.¹³
- Only 39 percent of all full-time professors at colleges and universities are women.¹⁴
- Women's teams receive only 33 percent of recruiting dollars and 36 percent of athletic operating dollars.¹⁵
- Women receive only 20 percent of computer science and engineering-related technology bachelor's degrees.¹⁶
- Pregnant students are steered towards separate and less academically rigorous schools.¹⁷

Resources for Advocates

It is AAUW advocates across the county who speak their minds on issues important to them that truly advance AAUW's mission. Stay informed with updates on Title IX and other issues by subscribing to AAUW's Action Network. Make your voice heard in Washington and at home by using AAUW's Two-Minute Activist to urge your members of Congress to support Title IX and

oppose efforts that would weaken its effectiveness or undermine its enforcement. Write a letter to the editor of your local paper to educate and motivate other members of your community. Attend town hall meetings for your members of Congress, or set up a meeting with your elected official's district office near you to discuss these policies. AAUW members can also subscribe to *Washington Update*, our free, weekly e-bulletin that offers an insider's view on the latest policy news, resources for advocates, and programming ideas. For details on these and other actions you can take, visit www.aauw.org/takeaction. For more information, read AAUW's related position papers on Title IX in athletics, single sex education, and sexual harassment, and AAUW's research, including *Where the Girls Are: The Facts About Gender Equity in Education*. You can find these and other resources on our website at www.aauw.org.

Conclusion

AAUW is proud of women and girls' educational achievements and believes policies and reforms that allow women *and* men to excel are beneficial for society as a whole. But too many women and girls still face sex discrimination in the course of their education. AAUW is committed to protecting and defending Title IX, and pursuing its vigorous enforcement, to ensure our nation's commitment to moving toward full and equal educational opportunities for all students.

For more information, call 202/785-7793 or e-mail VoterEd@aauw.org.

AAUW Public Policy and Government Relations Department
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¹ American Association of University Women. (June 2009). *2009-11 AAUW Public Policy Program*. Retrieved July 9, 2009, from http://www.aauw.org/advocacy/issue_advocacy/principles_priorities.cfm.

² Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681-1688 (1972). Retrieved January 6, 2009, from <http://www.usdoj.gov/crt/cor/coord/titleixstat.htm>.

³ Title IX regulations can be found in the code of federal regulations at 34 CFR Part 106. Retrieved January 6, 2009, from <http://www.ed.gov/policy/rights/reg/ocr/edlite-34cfr106.html>.

⁴ *Grove City College v. Bell*, 465 U.S. 555 (1984).

⁵ Public Law No. 100-259, 102 Stat. 28 (1988). Retrieved January 6, 2009, from http://www.usdoj.gov/crt/grants_statutes/legalman.html. The Senate Report for S. 557, the Civil Rights Restoration Act, stated that the bill "was introduced . . . to overturn the Supreme Court's 1984 decision in *Grove City College v. Bell*, . . . and to restore the effectiveness and vitality of the four major civil rights statutes [Title IX, Title VI, Section 504, and the Age Discrimination Act of 1975] that prohibit discrimination in federally assisted programs." The Report further states. "The purpose of the Civil Rights Restoration Act of 1987 is to reaffirm pre-*Grove City College* judicial and executive branch interpretations and enforcement practices which provided for broad coverage of the anti-discrimination provisions of these civil rights statutes."

⁶ *National Wrestling Coaches Association, et al. v. United States Department of Education*, Civil Action No. 1:02CV00072 (2002).

⁷ U.S. Department of Education, Office for Civil Rights. (October 25, 2006). Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance – Final Rule. *Federal Register*, 71(206),

62529-62543. Retrieved January 6, 2009, from <http://www.ed.gov/legislation/FedRegister/finrule/2006-4/102506a.html>.

⁸ U.S. Department of Education, Office for Civil Rights. (March 9, 2004). Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance – Notice of Proposed Rulemaking. *Federal Register*, 69(46), 11275-11285, 11276. Retrieved January 6, 2009, from <http://www.ed.gov/legislation/FedRegister/proprule/2004-1/030904a.html>.

⁹ AAUW Educational Foundation. (2008). *Where the Girls Are: The Facts About Gender Equity in Education*, 4.

¹⁰ Mead, Sara. (June 2006). The Truth About Boys and Girls. *Education Sector*. Retrieved January 6, 2009, from http://www.educationsector.org/usr_doc/ESO_BoysAndGirls.pdf.

¹¹ AAUW Educational Foundation. (2001). *Hostile Hallways: Bullying, Teasing, and Sexual Harassment in School*, 4.

¹² AAUW Educational Foundation. *Hostile Hallways: Bullying, Teasing, and Sexual Harassment in School*, p. 4 2001.

¹³ National Women's Law Center. (2005). *Tools of the Trade: Using the Law to Address Sex Segregation in High School Career and Technical Education*. Retrieved January 6, 2009, from <http://www.nwlc.org/details.cfm?id=2462§ion=education>.

¹⁴ West, Martha S. and Curtis, John W. (2006). *AAUP Faculty Gender Equity Indicators 2006*. Retrieved January 6, 2009, from <http://www.aaup.org/NR/rdonlyres/63396944-44BE-4ABA-9815-5792D93856F1/0/AAUPGenderEquityIndicators2006.pdf>.

¹⁵ NCAA. (2006). *NCAA Gender Equity Report, 2005-2006*. Retrieved January 6, 2009, from <http://www.womenssportsfoundation.org/Content/Articles/Issues/General/123/2008-Statistics--Gender-Equity-in-High-School-and-College-Athletics-Most-Recent-Participation--Budge.aspx>.

¹⁶ AAUW Educational Foundation. (2003). *Women at Work*.

¹⁷ National Women's Law Center. (2007). *When Girls Don't Graduate We All Fail: A Call to Improve High School Graduation Rates for Girls*. Retrieved January 6, 2009, from <http://www.nwlc.org/pdf/DropoutReport.pdf>.