

*The American Association of University Women strongly supports the vigorous enforcement of Title IX and all other civil rights laws pertaining to education.*

Title IX of the Education Amendments of 1972 is the federal law that prohibits sex discrimination in education. It covers women and men, girls and boys, and staff and students in any educational institution or program that receives federal funds. This includes local school districts, colleges and universities, for-profit schools, career and technical education programs, libraries and museums. Music, choir, sex education classes and sports involving bodily contact are exempt from Title IX, as are religious institutions if the law would violate their religious tenets. Admissions policies at private undergraduate institutions are also exempt.

### More than Athletics

Title IX requires recipients of federal education funding to evaluate their current policies and practices; adopt and publish a policy against sex discrimination, including sexual harassment and violence; and implement grievance procedures providing for prompt and equitable resolution of student and employee discrimination complaints.

Title IX affects all areas of education, including:

- recruitment, admissions and housing;
- career and technical education;
- pregnant, parenting and/or married students;
- science, technology, engineering and math (STEM);
- sexual harassment and assault;
- comparable facilities and access to course offerings;
- financial assistance;
- student health services and insurance benefits;
- harassment based on gender identity; and
- athletics.

### Title IX's Work is Not Done

Title IX has had many positive effects in schools in the last 47 years, but much work remains:

- AAUW's own research revealed that two-thirds of college students experience sexual harassment.<sup>1</sup> Studies have also found that around 20 percent of women college students are targets of attempted or completed sexual assault.<sup>2</sup> Additionally, AAUW

research found that 56 percent of girls and 40 percent of boys in grades 7-12 face sexual harassment.<sup>3</sup>

- Girls have 1.2 million fewer chances to play sports in high school than boys.<sup>4</sup> Less than two-thirds of African American and Hispanic girls play sports, while more than three-quarters of white girls do.<sup>5</sup>
- Just 12 percent of engineers are women, and the number of women in computing fell from 35 percent in 1990 to just 26 percent in 2015.<sup>6</sup>
- Pregnant and parenting students are often steered toward separate, less rigorous schools.<sup>7</sup>
- The rate of female enrollment in certain nontraditional careers remains at low levels, with some fields well beneath 25 percent in women's representation.<sup>8</sup>

### Attacks on Title IX

Since the passage of this landmark civil rights law, opponents have sought to weaken it. Currently, the U.S. Department of Education is working to systematically dismantle Title IX protections. In 2017, the Department of Education rescinded multiple important guidance documents, including those that had clarified what Title IX requires schools to do to prevent and address sexual harassment and violence and to protect transgender students. Then, in November 2018, the Department of Education issued a proposed rule that would have significant harmful implications for students' civil rights and for federal enforcement of Title IX.<sup>9</sup>

Specifically, the proposed rule would weaken Title IX's protections by narrowing the definition of sexual harassment to potentially exclude many students' experiences and by altering when schools must respond to reports of sexual harassment and violence. The rule would also put in place school processes that make it harder for students to come forward about sexual harassment or assault and receive the support they need. Over 100,000 comments were submitted during the public comment period for the proposed changes,

including many from AAUW, our members and supporters and our state affiliates opposing the proposed rule. The Department of Education will now consider the submitted comments and finalize regulations.

### Enforcement

The U.S. Department of Education's Office for Civil Rights (OCR) is responsible for the implementation and enforcement of Title IX, its regulations, and its guidance. The law prohibits retaliation for filing a Title IX complaint or advocating for those making a complaint. AAUW believes OCR must receive adequate funding to strengthen its Title IX enforcement efforts, and advocates thorough investigation of complaints and proactive compliance review.

### Title IX Coordinators and GEEA

Title IX requires that every recipient of federal funding designate at least one employee who is responsible for coordinating the school's compliance. These Title IX coordinators oversee all complaints of sex discrimination and identify and address any patterns or systemic problems at their schools. Unfortunately, Title IX coordinators often lack the support, guidance and training needed to complete their work. Some of the most egregious Title IX violations occur when schools fail to designate a Title IX coordinator or when the Title IX coordinator does not have the training or authority to oversee compliance.

In 2015, OCR released guidance and resources to help Title IX coordinators meet their responsibilities, explaining that schools must have Title IX coordinators who are full-time, independent and provided with the authority and resources they need to maximize compliance. These resources should be maintained, and

schools must ensure they have a Title IX coordinator.

AAUW has long advocated for comprehensive training and support for Title IX coordinators. The Gender Equity in Education Act (GEEA) would provide educational entities and Title IX coordinators the resources, training and technical assistance necessary to ensure equity in education. GEEA also establishes an Office of Gender Equity in the Department of Education to coordinate interagency enforcement of Title IX.

### The Civil Rights Data Collection

Since 1968, the Department of Education has administered the Civil Rights Data Collection (CRDC), which collects data on key education and civil rights issues in our nation's public schools. The CRDC has been improved to shed additional light on the pervasiveness of sex discrimination, including sexual harassment and violence, in our schools. AAUW specifically appreciates that the CRDC includes several important, school-specific gender equity points that are helpful to advocates, parents, students, educators and Title IX coordinators at schools nationwide. The Department of Education should maintain the CRDC moving forward.

### Additional Resources

"Know Your Rights"

AAUW

[www.aauw.org/what-we-do/legal-resources/know-your-rights-on-campus/](http://www.aauw.org/what-we-do/legal-resources/know-your-rights-on-campus/)

Frequently Asked Questions: Sex Discrimination

Department of Education's Office for Civil Rights

[www2.ed.gov/about/offices/list/ocr/frontpage/faq/sex.html](http://www2.ed.gov/about/offices/list/ocr/frontpage/faq/sex.html)

Find Your Title IX Coordinator

AAUW

[www.aauw.org/resource/find-your-title-ix-coordinator/](http://www.aauw.org/resource/find-your-title-ix-coordinator/)

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<sup>1</sup> Catherine Hill and Elena Silva, *Drawing the Line: Sexual Harassment on Campus* (AAUW, 2006), [history.aauw.org/aauw-research/2006-drawing-the-line/](http://history.aauw.org/aauw-research/2006-drawing-the-line/); Catherine Hill and Holly Kearn, *Crossing the Line: Sexual Harassment at School* (AAUW, 2011), [www.aauw.org/research/crossing-the-line](http://www.aauw.org/research/crossing-the-line).

<sup>2</sup> Christopher P. Krebs et al., *The Campus Sexual Assault (CSA) Study, Final Report*, NIJ Grant 2004-WG-BX-0010. National Criminal Justice Reference Service, 2007. [www.ncjrs.gov/pdffiles1/nij/grants/221153.pdf](http://www.ncjrs.gov/pdffiles1/nij/grants/221153.pdf); Bianca BiJulio et al., *Survey of Current and Recent College Students on Sexual Assault* (Kaiser Family Foundation, 2015), [kff.org/other/poll-finding/survey-of-current-and-recent-college-students-on-sexual-assault](http://kff.org/other/poll-finding/survey-of-current-and-recent-college-students-on-sexual-assault).

<sup>3</sup> Catherine Hill and Holly Kearn, *Crossing the Line: Sexual Harassment at School* (AAUW, 2011), [www.aauw.org/research/crossing-the-line](http://www.aauw.org/research/crossing-the-line)

<sup>4</sup> 2017–18 High School Athletics Participation Survey, National Federation of State High School Associations (NFHS) (2018),

[www.nfhs.org/ParticipationStatistics/PDF/2017-18%20High%20School%20Athletics%20Participation%20Survey.pdf](http://www.nfhs.org/ParticipationStatistics/PDF/2017-18%20High%20School%20Athletics%20Participation%20Survey.pdf)

<sup>5</sup> 2015–16 High School Athletics Participation Survey, NFHS (2016) [www.nfhs.org/ParticipationStatistics/PDF/2015-16\\_Sports\\_Participation\\_Survey.pdf](http://www.nfhs.org/ParticipationStatistics/PDF/2015-16_Sports_Participation_Survey.pdf).

Fatima Goss Graves et al., *Finishing Last: Girls of Color and School Sports Opportunities* (NWLC and Poverty & Race Research Action Council, 2015)

[nwlc.org/resources/finishing-last-girls-color-and-school-sports-opportunities/](http://nwlc.org/resources/finishing-last-girls-color-and-school-sports-opportunities/)

<sup>6</sup> Christianne Corbett and Catherine Hill, *Solving the Equation: The Variables for Women's Success in Engineering and Computing* (AAUW, 2015)

[www.aauw.org/research/solving-the-equation/](http://www.aauw.org/research/solving-the-equation/)

<sup>7</sup> *Pregnant and Parenting Students' Rights Toolkit*, (NWLC, 2016) [nwlc.org/resources/pregnant-and-parenting-students-rights-toolkit/](http://nwlc.org/resources/pregnant-and-parenting-students-rights-toolkit/)

<sup>8</sup> *Career & Technical Education: A Path to Economic Growth*, National Coalition for Women and Girls in Education (2017)

[www.ncwge.org/TitleIX45/Career%20and%20Technical%20Education.pdf](http://www.ncwge.org/TitleIX45/Career%20and%20Technical%20Education.pdf)

<sup>9</sup> U.S. Department of Education Moves to Roll Back Title IX Protections for Sexual Misconduct, (AAUW, 2018) [www.aauw.org/article/department-of-education-moves-to-roll-back-title-ix-protections-for-sexual-misconduct/](http://www.aauw.org/article/department-of-education-moves-to-roll-back-title-ix-protections-for-sexual-misconduct/)