Title IX Evolution and Sexual Harassment

Original Title IX Statute 1972
Public Law No. 92-318, 86 Stat. 235 (June 23, 1972) (pages 139 -141)

1972 – Title IX of the Education Amendments of 1972 is signed into law by President Nixon. It says: "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." The law is best known for eliminating gender inequalities in campus sports.

Alexander vs. Yale,
1980 – Five former students sue Yale University, alleging sexual harassment – one says she was subjected to quid pro quo sexual harassment when an instructor offered to give her an A if she submitted to him. The plaintiffs ask the court to order Yale to set up a grievance procedure for students who feel they have been sexually harassed. They also argue that sexual harassment constitutes discrimination and Yale, therefore, is in violation of Title IX.

The court agrees, but finds the quid pro quo allegations without merit and dismisses the other allegations because the women have graduated. The plaintiffs don't win the case but achieve their goals: a ruling that sexual harassment is discrimination and implementation of a grievance procedure at Yale. Because of Alexander vs. Yale, most universities now have grievance procedures for sexual harassment.

Franklin v. Gwinnett County Public Schools,
1992 – A high school girl in Georgia alleges she has been subjected to sexual harassment and abuse by a male teacher. The girl seeks monetary damages. A court dismisses the complaint because Title IX does not authorize damages. An appellate court agrees. But the U.S. Supreme Court says damages are justified, since the allegations include "coercive intercourse." The high court also finds that the school district's failure to respond to such complaints constitutes discrimination under Title IX.

Davis, Aurelia v. Monroe County Board of Education
1999 – A fifth-grader claims repeated sexual assault by a boy. The Supreme Court says schools can be held liable when they fail to act on student-on-student sexual assault allegations, particularly when the harassment is "so severe, pervasive and objectively offensive that it deprived the plaintiff of access to educational opportunities or benefits provided by the educational institution."
http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=000&invol=97-843

Kelly vs. Yale

2003 – Kelly vs. Yale is the first Title IX case to confront student-on-student sexual assault at the university level. The U.S. District Court in Connecticut rules that universities must respond to such allegations, a form of harassment.

Resources

Dept. of Education Reading Room

2014 Questions and Answers on Title IX

2014 – A White House task force calls on colleges to strengthen efforts to combat sexual harassment and assault.

2011 Dear Colleague Letter

2011 – The U.S. Department of Education's Office for Civil Rights issues guidance for universities regarding their sexual harassment responsibilities under Title IX.

2008 Sexual Harassment: It's Not Academic
https://www2.ed.gov/about/offices/list/ocr/docs/ocrshpam.pdf

2001 Dept of Education Title IX Guidance
http://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf

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Current Title IX Statute
USC Title 20 Chapter 38 Section 1681-1688 "DISCRIMINATION BASED ON SEX OR BLINDNESS"

Title IX Regulations
Chapter 34 Subtitle B Part 106.1-106.171 "NON-DISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE" (Promulgated: August 30, 2000)

Dept of Education Info on Title IX OCR
http://www2.ed.gov/about/offices/list/ocr/index.html

Dept. of Justice Title IX Website
http://www.justice.gov/crt/about/cor/coord/titleix.php

Other Resources
Not Alone https://www.notalone.gov/
Know Your IX http://knowyourix.org/
Its On US http://itsonus.org/

SPECIFIC DEPARTMENT OF EDUCATION TITLE IX RESOURCES

Dept of Education Info on Title IX OCR
http://www2.ed.gov/about/offices/list/ocr/index.html

2014 Questions and Answers on Title IX
http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf

2011 Dear Colleague
http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf

2001 Dept of Education Title IX Guidance
http://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf

Sexual Harassment: It's Not Academic (2008)
https://www2.ed.gov/about/offices/list/ocr/docs/ocrshpam.pdf

Know Your Rights
https://www.notalone.gov/assets/know-your-rights.pdf

Title IX Policy Checklist
https://www.notalone.gov/assets/checklist-for-campus-sexual-misconduct-policies.pdf