

Putting the
Law on
Your **Side**

**A Guide for Women and Girls to
Equal Opportunity in Career
Education and Job Training**

THE NATIONAL WOMEN'S LAW CENTER

The National Women's Law Center is a non-profit organization that has been working since 1972 to expand the possibilities for women and their families at work, in school, and in their communities. The Center focuses on major concerns of women, including education, family economic security, employment opportunity, and health, with special attention given to the concerns of low-income women.

Putting the Law on Your Side is designed to provide general information on legal rights for girls and women in career education and job training programs. This pamphlet is provided for informational purposes only and is not intended to provide legal services or legal assistance for individual cases. Readers interested in getting help with a particular legal problem should contact an attorney.

Putting the Law on Your Side was written by Leslie T. Annexstein and Kathleen M. Keller. Ms. Annexstein is Senior Counsel with the NWLC. Ms. Keller is Counsel at the Center, through a fellowship provided by the Skadden Fellowship Foundation.

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INTRODUCTION

Career education programs, such as vocational training programs, internships, and on-the-job training, are an important way for you to gain the skills you need in order to get a good job with good pay. However, some schools or programs may not give female students an equal opportunity to succeed in career education. Such programs might make education difficult for females by treating females differently or because they have rules or policies that are unfair to females. **But the law is on your side — women and girls have the right to equal opportunity in educational programs.** You can use the law to protect your right to get the preparation you need for the career you want.

This pamphlet will explain your rights under some major federal laws and how they apply to programs that are designed to prepare you for a career — such as career counseling, vocational education classes, on-the-job training, school-sponsored internships, or job skills classes. Each section of this pamphlet will give you a general explanation of your rights, along with some examples of behavior that might violate the law. The information included here applies to all public schools, most employers, most private universities and colleges, vocational and technical schools, and job training programs. The pamphlet will also give you some suggestions about how to use the law to protect your right to career education.

Career Education Programs are...

...programs that prepare you for the world of work, including:

- School-to-Career programs
- vocational education
- technical schools or classes
- job training programs
- school-sponsored internships with employers
- career exploration classes.

WHAT IS SEX DISCRIMINATION?

Sex discrimination occurs when you are treated differently just because you are female or because you are male. Sex discrimination can take many forms, including sexual harassment. Policies and practices that are unfair to girls and women can also be a form of discrimination. Here are a few examples:

- *Your teacher won't help you because he thinks that women should not be auto mechanics. That's discrimination.*
- *A supervisor gives you a bad review because you don't "act lady-like." That's discrimination.*
- *Your training program applies different rules to you because you are pregnant or could become pregnant. That's discrimination.*
- *Male classmates make sexual comments to you and some have even touched you in a sexual way, but your school refuses to do anything to stop them. That's discrimination.*
- *The program you are interested in only admits people who can bench press 200 pounds, even though the job they are training you for only requires you to lift about 60 pounds. That's discrimination.*

The law protects you against sex discrimination in most education programs and workplaces.

WHAT LAWS CAN PROTECT ME AGAINST SEX DISCRIMINATION IN CAREER EDUCATION PROGRAMS?

Title IX of the Education Amendments of 1972 protects against sex discrimination in educational programs. It applies to any school or education program or activity in a company or outside of a school that receives money from the United States government.

- *All public grade schools, middle schools, and high schools receive federal government funding and are covered by Title IX.*
- *Most vocational education programs, school-to-work programs, "tech prep" programs, and welfare-to-work-sponsored education programs receive federal government funding and are covered by Title IX.*
- *Most post-secondary schools have students receiving federal work-study funds, or federal grants and loans (such as Pell or Stafford loans) or get other federal funds and are therefore covered by Title IX.*

Title VII of the Civil Rights Act of 1964 protects against workplace discrimination that is based on sex, race, national origin, or religion. Any employer with 15 or more employees is covered by this federal law. Title VII prohibits sex discrimination in the workplace, including discrimination that may take place in apprenticeship programs. You do not have to be a paid employee in order to be protected by Title VII.

There are other federal anti-discrimination laws that may apply that prohibit other forms of discrimination. Title VI of the Civil Rights Act of 1964 protects against race discrimination in any programs that receive money from the U.S. government. The Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973 protect against discrimination on the basis of disability in both private and federally funded programs. The Age Discrimination Act of 1975 protects against age discrimination in programs that receive funds from the U.S. government.

Your state may also have laws that protect you against sex discrimination in education or employment which could apply to your vocational education and job training programs. Call your state equal opportunity office to find out.

WHAT ARE MY RIGHTS IN CAREER COUNSELING AND ADMISSIONS TO PROGRAMS?

All counseling and admissions requirements should treat males and females equally. There should not be different counseling opportunities or admissions requirements based on whether you are male or female. Also, a program, school or class should not have an admissions requirement that tends to exclude more females than males, unless the requirement is really necessary for you to participate in the class or program. (For instance, a course in algebra might be a necessary requirement for participating in a calculus course.)

Information

You have the right to receive information about all the vocational training programs offered by your school or program. Take advantage of this right! Ask about the pay you can expect to receive in different types of jobs — many of the traditionally female jobs, such as child care and health care, pay much less than the jobs that men traditionally do.

- *You notice that your program gives males pamphlets about careers in construction, but does not give the same information to females. That's discrimination.*

Recruiting

You have the right to recruitment practices that are free from sex stereotypes and other forms of sex discrimination. Recruiting methods, such as posters, pamphlets, and career day speakers, must not treat females differently and should avoid stereotypes that suggest that men might be better at certain kinds of jobs. They should show women working in all kinds of jobs.

- *Your high school allows students to choose a particular career track to focus their studies. Representatives of the different career programs talk to students to try to get them to enroll. However, the people that come to speak to your class tell you that nursing and childcare are good careers for women, and the materials they give show women in those careers only. That's discrimination.*
- *A community college uses advertisements and mailings to try to attract students to its vocational programs. The college sends its ads for its child care certification program to women, and sends its ads for its technical engineering program to men. That's discrimination.*

Counseling

You have the right to be free from sex discrimination in advice you get from your career counselor. A counselor may not limit suggestions based on your sex.

- *You notice that your counselor always seems to make the same career suggestions for your female friends, but suggests different types of careers for the males. That's discrimination.*
- *Your counselor or teacher talks only to the boys when discussing traditionally male jobs, saying things like, "You boys should really look into careers as policemen." That's discrimination.*
- *Your counselor discourages you from entering a carpentry training program, because she thinks there is a lot of discrimination against female carpenters and you will have trouble finding a job. That's discrimination.*

Testing

You have the right to be free from tests that are unfair to women or girls. Your school or training program cannot use a test that women and girls do not do as well on as the male students, unless it can show that this test is the best way possible to predict who will succeed in this program. Many tests have never been looked at to determine whether or not they are a fair way to predict success.

- A test that is supposed to measure your skills or knowledge may be unfair if females usually receive lower scores on it.
- A test that is supposed to predict what type of career would be a good match for you may be unfair if it usually suggests traditionally female jobs for female students.

Watch out for career assessments that ask questions about your experience with certain jobs or hobbies. Some girls and women have not had the same opportunities as male students to do technical or mechanical work (like fixing a car). As a result, women and girls may score lower on the mechanical and technical sections. But these scores reflect only your experience, not your ability to do mechanical and technical jobs!

Be sure to get information about all types of careers, not just the careers suggested by your assessment. You have the right to participate in all types of career education — don't let anyone steer you into a program just because of a test.

Referrals

You have the right to be referred to non-discriminatory training programs. If your school, welfare caseworker, or one-stop career center sends you to a work site or job training program that discriminates, you should tell the people who referred you. Schools, welfare caseworkers, and one-stop centers are not allowed to send people to employers or programs that discriminate. They must make sure that the job site or training program stops discriminating, or stop referring people to that program.

Pregnancy and Parenting

You have the right to enroll in training programs regardless of whether or not you are married or have children. A program cannot refuse to admit unmarried mothers if it admits unmarried men who have children. Also, a program cannot refuse to admit you because you are pregnant, had a baby, had an abortion, or could become pregnant. The program does not have a right to ask you about any of these personal matters, and you do not have to answer such questions.

Your school or training center can create special classes for students who are parents or pregnant, but they cannot force you to take those classes.

Be on the Lookout for...

...programs with few female students. If a program or class has mostly males in it, your school has a responsibility to make sure that this is not because of any discrimination against females. If you notice a vocational education class or school-to-work site with very few females, ask your school to find out why.

If the program or class did not admit women or girls in the past and has always had mostly male students, your school must take steps to try to get women and girls into the program or class.

WHAT ARE MY RIGHTS ONCE I AM IN A PROGRAM?

Freedom From Sexual Harassment

You have the right to participate in a program that is free from sexual harassment by teachers, supervisors, or by other students or co-workers. Sexual harassment is a form of discrimination. Sexual harassment includes:

- unwanted physical touching of a sexual nature.
- unwelcome sexual comments or suggestions.
- requests for a date from a teacher.
- repeated and unwanted requests for a date from other students or co-workers that interfere with your education.
- insults or slurs based on your sex (such as saying “Girls don’t belong here” or using four-letter words that are disrespectful to women).
- an atmosphere that is generally hostile to members of your sex (such as publicly displayed pornography or anti-female slogans).
- hostile treatment because of your sex.
- interference with your ability to work or study, such as hiding your equipment or refusing to work with you, because of your sex.
- sexual assault or rape.

Your school must respond to any sexual harassment that it knows about. This includes harassment that occurred in a school-sponsored program off school property. You should report any instances of sexual harassment immediately to the school. Find out if your school has a sexual harassment policy and follow the steps in the policy.

If you are in an apprenticeship program or job training program covered by Title VII, the employer should respond to your complaints even if you are not a regular employee or protected by a union. You should follow the steps in the employer’s sexual harassment policy in order to best protect your rights.

Equal Treatment in the Classroom

You have the right to equal learning opportunities in your program.

- *A teacher or supervisor pays no attention to the females in the class, but gives the males help and advice. That’s discrimination.*
- *The teacher or supervisor is constantly looking over the females’ shoulders, while giving the males much more independence in their work. That’s discrimination.*
- *The females in the class are assigned all of the clean-up work, or all of the paper work, while the boys are getting hands-on experience. That’s discrimination.*

Equal Facilities

You have the right to equal equipment, bathrooms, and other facilities. Female students should receive the same work equipment and safety equipment as the males do, and should have equal opportunity to use shared equipment. If the program provides bathrooms, changing rooms, or showers for the men, it must provide comparable facilities for the women.

- *A job training site does not give the female trainees coveralls or safety goggles, because they do not have these items in women’s sizes. That’s discrimination.*
- *In an auto repair class, there is a car for every four males, but the six female students must all share one car. That’s discrimination.*

Equal Treatment for Pregnant and Parenting Students

You have the right to equal treatment without regard to whether you are pregnant or whether you have children. You should not be treated differently, or denied any opportunities in your program, because you are pregnant, a parent, or the teacher or supervisor thinks you might become pregnant. A teacher or supervisor must make the same accommodation for your pregnancy as they would for a student with a disability.

- *Your supervisor won’t let you participate in a particular training activity because he just assumes it would be dangerous for a pregnant woman. That’s discrimination.*
- *A teacher punishes you because you need to take more frequent bathroom breaks because you are pregnant. That’s discrimination.*
- *Your school kicks you out of your training program because you miss classes immediately after giving birth, even though you have a note from your doctor saying that it is medically necessary for you to rest for several weeks. That’s discrimination.*

Nondiscriminatory Evaluations

You have the right to be evaluated and graded without regard to your sex. Your grades and evaluations should not reflect the biases of your instructor or your fellow students.

- *Your teacher uses other students’ comments about your work to determine part of your grade. The other students gave you bad reviews just because you are a girl and so the teacher gives you a bad grade. Your teacher should not allow their bias to affect your grade. That’s discrimination.*

Be on the Lookout for...

...programs that have high drop-out rates for women and girls. If you believe you are not receiving equal treatment in a training program where most of the participants are males, try to find out if more females than males drop out of the program. High drop out rates for women and girls may be a sign of unequal treatment in the classroom.

WHAT ARE MY RIGHTS WHEN I COMPLETE MY PROGRAM ?

Placement

You have the right to have your program make equal efforts to place you in a job after completion of your class. If your program tries to find jobs for students who complete their training, it must make the same efforts for women than it does for men.

- *A television repair instructor calls his former co-workers to try to find jobs for his male students, but won't make calls for his female students. That's discrimination.*

Referrals

You have the right to have your training program work only with equal opportunity employers. Your training program should not be working with any employers that discriminate against women.

- *A computer programming training program frequently places its male students with a small consulting company that requests that only males be referred to it. That's discrimination — by both the training program and the company.*

WHAT CAN I DO IF I THINK MY PROGRAM IS DISCRIMINATING AGAINST ME ON THE BASIS OF MY SEX?

- **Talk to someone!** Tell a parent or someone you trust. Think about who could fix the problem. A parent or a person in the community? A teacher? A counselor? A caseworker? A principal? If that person doesn't solve the problem, talk to their boss. If the boss won't solve the problem, go to his or her boss. You can go right to the top — the director of your program, the head of your school, or the school district superintendent — if you need to.
- **Check the program's complaint procedure.** A school (or education program) must have a written policy and complaint procedure for sex discrimination and a person in charge of Title IX compliance. You have the **right** to see the policy and to have that policy made public for everyone to see. Most employers also have such policies, and they will tell you who takes complaints. You should follow the steps in this policy in order to best protect your rights.
- **Keep a record.** Try to put your complaints in writing and keep copies for your record. Keep a diary and write down all the problems you experience. Write down what happened, what you did, who you told, what you told them, and when you told

them. Be sure to include notes on your discussion with teachers, supervisors and administrators.

- **Work with your school, employer or training program to fix the problem.** In some instances, you may be able to resolve your problem by talking directly with people in the program. Let the appropriate officials know about areas where you think they fall short. If you are in a school or education program, discuss the issue with the person in charge of Title IX compliance and try to get that person to help you. Talk with program officials to try to come up with ways to make sure that women and girls are being treated fairly. Get other students involved in these discussions if you think that would help. Think about what you would like to see the program do to improve — be prepared to offer suggestions.
- **File a complaint with a government agency.** You can file a complaint with a government agency describing how your program is discriminating on the basis of sex. Each agency has easy procedures for filling out a complaint with a description of the problem. The agency should then conduct an investigation to determine whether your program has discriminated. There may be more than one type of complaint that you can file, depending on what type of program you are in.
 - If you have been discriminated against in an education program, you can file a Title IX complaint with the appropriate government agency. In most cases, the appropriate agency is the United States Department of Education's Office for Civil Rights. However, if you are in a Welfare-to-Work or TANF program, you can file a complaint with the United States Department of Health and Human Services, Office for Civil Rights. Or, if you are in a program that is run through your local One-Stop Career Center, you can file a complaint with the United States Department of Labor's Civil Rights Center.
 - If you are in a workplace environment, such as an apprenticeship program, you can file a complaint with the Equal Employment Opportunity Commission (EEOC) under Title VII. You may also be able to file a Title IX discrimination complaint if you are in a job training program at a workplace. The Title IX complaint must be filed with the federal agency that provides funds to your workplace or job training provider.Your state may also have governmental agencies where you can file a complaint. Call your state's equal opportunity office, human rights commission, or department of education to find out.
- **Talk to a lawyer.** A lawyer can explain your options. A lawyer may also be able to help you file a complaint with the appropriate federal agency. You may have the right to sue your school, program or worksite in federal court for violating your rights.

You can file a Title IX complaint even if you think that other people's rights are being violated. For instance, if your drafting class is almost all males, and you think that the career counseling program has discouraged other girls from taking drafting, you could file a complaint. The Department of Education will investigate and try to find out why there are so few girls in the drafting class.

CHECK OUT YOUR CAREER EDUCATION PROGRAM!

Can you check off "YES" to all of these questions? If you can't, your school or program may have a problem. Use this list to find out where your school or program can improve.

- | | <u>Y</u> | <u>N</u> |
|---|--------------------------|--------------------------|
| 1. Does your career counselor encourage females to consider all careers, including those that are not traditionally female, such as technology-related jobs and jobs in the building trades?..... | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Do the counselors provide adequate information about the salary potential and other factors that might influence your decision?..... | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Does the information presented at career days, parents' nights, shop demonstrations, and by visiting speakers avoid sex stereotypes which suggest that men might be better at certain jobs and women at others?..... | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Does your school or program expose students to women in nontraditional careers through career fairs, field trips, shop demonstrations, visiting speakers or mentoring programs?..... | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Does your school or program make sure that the employers that it refers students to for jobs or externships do not discriminate on the basis of sex?..... | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Does your school or program have a sex discrimination policy that is made public to all students?..... | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Does the policy explain what sexual harassment is and provide a confidential complaint procedure?..... | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Does your school or program respond promptly and effectively to sexual harassment complaints?..... | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Do teachers and supervisors provide the same assignments to male and female students and make sure that females are given an equal opportunity to learn?..... | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Does your school treat pregnant and parenting teens equally, giving them the full range of choices for classes and careers?..... | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. Do classes or career programs have both males and females in them? For instance, are there females in the computer science courses and males enrolled in the child care courses?..... | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. Do women and girls successfully complete their classes or training programs, particularly ones that prepare them for a non-traditional career?..... | <input type="checkbox"/> | <input type="checkbox"/> |
| 13. Does your school or program avoid using tests that result in males and females being tracked into different vocational or academic programs?..... | <input type="checkbox"/> | <input type="checkbox"/> |
| 14. Does your school avoid using career interest assessments that ask you questions about your experience with mechanical or technical activities?..... | <input type="checkbox"/> | <input type="checkbox"/> |

FOR MORE INFORMATION, CALL OR WRITE

National Women's Law Center
 11 Dupont Circle, Suite 800
 Washington, DC 20036
 (202) 588-5180
www.nwlc.org

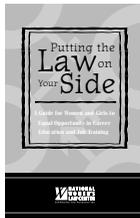
Contact Information for Federal Agencies:

U.S. Department of Education
 Office for Civil Rights
 Mary E. Switzer Building
 330 C Street SW
 Washington, DC 20202
 Telephone: 1-800-260-0471
 TTY: 1-800-260-0471

U.S. Department of Labor
 Civil Rights Center
 200 Constitution Avenue NW
 Washington, DC 20210
 Telephone: 202-219-8927
 TDD: 1-800-326-2577

U.S. Equal Employment
 Opportunity Commission
 (EEOC)
 1801 L Street NW
 Washington, DC 20507
 Telephone: 1-800-669-4000
 TDD: 1-800-669-6820

U.S. Department of Health
 and Human Services
 Office for Civil Rights
 200 Independence Avenue SW
 Room 509F HHH Building
 Washington, DC 20201
 Telephone: 1-800-368-1019
 TDD: 1-800-863-0101



Career education — whether through information technology programs, vocational education, "School to Career" or job training programs — is an important path to ensuring economic independence for women. Yet studies show that many women and girls are not getting the education they need to prepare them for high wage careers. Many of these programs continue to be highly segregated by sex, with female students clustered in traditionally female, low-wage occupational categories. Additionally, sexual harassment and other forms of discrimination too frequently prevent women and girls from succeeding in career education programs.

Putting the Law On Your Side: A Guide for Women and Girls to Equal Opportunity in Career Education and Job Training is an important tool for girls in middle or high school, or women in post-secondary or job training programs. It explains the laws that apply to career education and offers advice about how to deal with sex discrimination in programs. To order copies of this informative booklet, please contact:

National Women's Law Center
Attention: Putting the Law On Your Side
11 Dupont Circle
Washington, D.C. 20036
Telephone: 202-588-5180
Fax: 202-588-5185
www.nwlc.org



11 Dupont Circle, NW
Suite 800
Washington, D.C. 20036
Tel.: 202/588-5180
Fax: 202/588-5185
Web: www.nwlc.org

