

IT'S YOUR EDUCATION

HOW TITLE IX PROTECTIONS CAN HELP YOU

Just about forty years ago, things were very different for female students. It was common for schools to discourage young women from studying math or science, and to encourage them to focus on domestic skills, like cooking, sewing and child rearing. There were few opportunities for girls to play sports or participate in competitive school activities. And if a high school student became pregnant, there was a strong likelihood that she would be kicked out of school.

Title IX of the Education Amendments of 1972 worked to change all of that. Title IX is a federal civil rights law that requires all schools that receive federal funding to provide equal opportunities to male and female students. This includes elementary schools, middle schools, high schools, and all levels of higher education, and prohibits sex discrimination against staff members as well as students.

HOW TO USE THIS GUIDE

Women and girls have come far and made great strides at all levels of education, but sex discrimination in education still persists. By learning about Title IX, you can help to protect your rights and those of your fellow students, to make sure you all get the education you deserve.

This guide will help you to understand the requirements of Title IX, and will provide you with ideas about what to do if you are not getting equal opportunities in school. No matter what the situation, you should talk to your parents or guardians for advice. Also, remember that your school should have a "Title IX Coordinator" who may be helpful. And if you are considering any legal action, it is always wise to consult with a lawyer about your options.

ATHLETICS

We want more playing time. One of the most well-known results of Title IX has been a growth in women's participation in sports. Title IX isn't just about athletics, but there is no doubt that it has greatly improved opportunities for women and girls in school sports programs.

Title IX requires your school to:

- offer male and female students equal opportunities to play sports;
- treat male and female athletes fairly; and
- give male and female athletes their fair shares of athletic scholarship money.

Did You Know? Every school must have a Title IX Coordinator to help make sure that your rights are protected. The Title IX Coordinator at your school might be a teacher, a coach or another staff member. If you don't know who that person is, look in your student handbook, on your school's website, or ask someone at your school.



What can I do to make sure I have an equal opportunity to play?

- Check with your school administrators to see how many male and female students play sports at the school.
- Ask your school's principal, athletic director or a counselor for an explanation, if you find out that there are fewer girls playing sports than boys.
- Propose to your school that they add new girls' sports team or make pre-existing teams co-ed by showing them that girls are interested in participating in the sport.
- Find out whether male and female athletes receive equal benefits including: equipment, supplies (like uniforms), and funding; scheduling of games and practice times; opportunities for coaching and academic tutoring; practice and competitive facilities such as fields, courts, and pools; locker rooms and shower facilities; medical and training facilities and services; and publicity.

Schools don't necessarily have to provide *identical* opportunities for male and female athletes or exactly equal funding, but they must treat them equally overall.

SEXUAL HARASSMENT

We should be able to feel safe at school. Title IX states that your school must protect you from sexual harassment, that is, unwelcome verbal or physical conduct based on your sex that makes you uncomfortable and prevents you from learning. The law bans sexual harassment by teachers, staff, fellow students, and visitors on school premises.

Your school must protect you from incidents such as:

- insults, name-calling, and offensive jokes based on sex;
- intimidation by words or actions;
- unwelcome or inappropriate sexual touching;
- pressure for sexual activity or dating; and
- sexual assault and rape.

Some examples of harassing behavior from students include:

- Your ex-boyfriend, who attends your school, regularly sends you inappropriate text messages and emails.
- The male students in your science lab regularly call the female students "sluts" and ask them about their sexual experiences. You've complained to the teacher, but he just tells you that "boys will be boys."
- A student is repeatedly teased and taunted by the other students in his or her class for not being "masculine" or "feminine" enough.
- Boys in a historically "male-dominated" class, such as auto mechanics or advanced math, repeatedly make comments to their female classmates saying that they don't belong in that particular class.

Some examples of harassing behavior from school employees include:

- The school bus driver often makes unwelcome, sexually suggestive remarks to a student when she rides the bus, causing her to feel uncomfortable.



- A teacher repeatedly asks a student to stay after class and tries to talk to her about sexual experiences when they are alone in the classroom.
- A teacher frequently makes inappropriate sexual remarks to a student when the teacher sees the student at the grocery store where the student works, causing her to feel uncomfortable whenever she sees the teacher, whether at work or school.
- A teacher promises a student that she will get a good grade (or a coach promises a student that she will get playing time) if she gives him sexual favors.
- A computer networking technology teacher refuses to call on female students who raise their hands and spends significantly more time assisting boys during classroom activities, thinking that boys have “more of a future” in the field.

If you see or experience sexual harassment at school, you should immediately tell your teacher, guidance counselor, or a school official who handles student complaints (who might also be the Title IX Coordinator). The law requires your school to take action to stop sexual harassment, and prohibits your school from punishing you for speaking up.

PREGNANCY AND PARENTING

We all deserve an education. Under Title IX, your school cannot discriminate against you because of your pregnancy or any circumstances related to your pregnancy, because you have a child, or because of your marital status.

ACCESS TO SCHOOL

Your school may not exclude you from classes or school-sponsored activities just because you are pregnant, a parent, or because you have had an abortion. Your school can offer special programs or schools for pregnant and parenting students, but these programs must be voluntary, and must give students access to academic and extracurricular opportunities equal to those offered in the regular school program.

ABSENCES

Your school must excuse absences for medical reasons relating to your pregnancy for as long as your doctor says it’s medically necessary, and it must allow you to make up the work you missed while absent.

SPORTS AND EXTRACURRICULAR ACTIVITIES

Your school may not exclude you from participating in sports or extracurricular activities just because you are pregnant, are a parent, or have had an abortion. In fact:

- Your school must apply the same participation policies to you that it applies to all students with temporary disabilities.
- Your school can only require you to have a doctor’s note authorizing you to continue participating in athletics while pregnant if the school requires a similar note for all students with medical conditions requiring the attention of a doctor.
- Your school cannot make you sign an agreement not to get pregnant, or punish you if you do get pregnant.
- Colleges cannot terminate or reduce an athletic scholarship based on pregnancy.



SPECIAL SERVICES

If your school gives special services (such as at-home tutoring) for students who miss school because of a temporary medical condition that requires them to be absent for an extended period, then it must also provide these services to those who miss school due to pregnancy or childbirth.

EXAMPLES OF DISCRIMINATION AGAINST PREGNANT AND PARENTING STUDENTS INCLUDE:

- A high school excludes any student who is *or has been* pregnant from participating in homecoming court or senior superlative elections.
- A high school refuses to excuse any absences related to pregnancy or childbirth, and does not allow students to make up work missed during such absences, causing many students who are pregnant or who just had children to fail their classes, making it harder for them to stay in school.
- A school district offers at-home tutoring to students who miss school for extended periods, but students with pregnancy-related absences are not eligible for these services.
- A school district has a separate high school for pregnant and parenting teens. Other high schools in the district steer their pregnant and parenting students into this separate school, which offers child care and parenting classes but no rigorous courses or opportunities to stay on track for graduation and prepare for post-secondary education or careers.

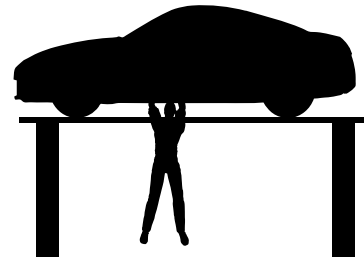
CAREER AND TECHNICAL EDUCATION

We want careers. Before Title IX, schools required girls to take classes in homemaking and sewing while boys took woodshop. Title IX now states that schools must treat male and female students equally in career and technical education programs, like construction, engineering or mechanics. And once students are enrolled in these programs, they must have equal opportunities to learn.

Did You Know? Careers that historically have been male-dominated, like computer science or carpentry, often lead to higher-paying jobs than traditionally female fields? Schools should provide young women and young men choosing their classes with information about wages and job security for all career options.

Schools are required to treat girls and boys equally in counseling and recruiting as well as in the classroom. When you talk to career counselors or other staff members, you have the right to receive advice that is not based on outdated ideas about careers that are suitable only for boys or for girls. For example, your guidance counselor must not suggest that girls *should* take child care classes or discourage them from taking “boy” classes like welding.

Those who take classes that not many members of their sex typically take have the right to be treated equally in the classroom. Your teachers and fellow students may not tease, abuse, harass, or otherwise make you feel uncomfortable in class because of your sex.



SINGLE-SEX EDUCATION

We are all different. Because Title IX states that male and female students must be treated equally, schools can only separate students by sex in limited circumstances. At the elementary, middle and high school levels, schools may separate boys and girls for human sexuality classes, physical education classes or activities involving contact sports, choruses based on vocal range, or to make up



for a history of discrimination against and limited opportunities for students of one sex.

Schools also can't create separate classes or activities for boys and girls based on overgeneralizations about the likes and dislikes or strengths and weaknesses of boys and girls. For example, the boys' science class cannot be focused on hands-on learning based on the idea that all boys learn better when they are moving around, while limiting the girls' class to lectures and note-taking only based on the notion that all girls prefer to learn quietly. Most students do not fit into stereotypes

about boys and girls, and such classes do not offer equal learning opportunities.

Different rules and regulations apply at the college level, including whether a school has historically been a single-sex institution.

HOW TO STAND UP FOR YOUR YOUR EDUCATION

If you experience discrimination by teachers, staff, or fellow students, do not let it discourage you from staying in school and completing your education! Instead, follow the steps below to empower yourself with knowledge and stand up for your rights.

KNOW YOUR RIGHTS

Read this guide, your student handbook, and ask your Title IX Coordinator, principal or school district's office. You also can research whether there are additional federal, state and local laws on education that apply, including laws on harassment or bullying.

DOCUMENT THE PROBLEM

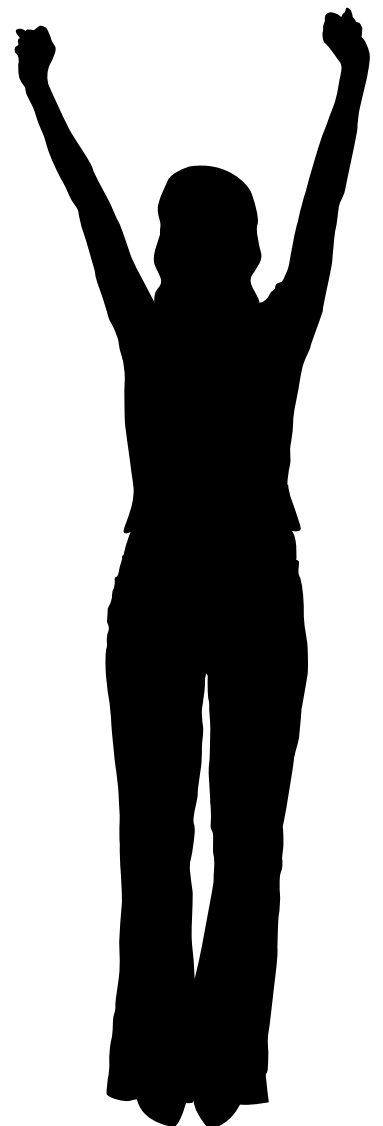
Keep track of the date and time of each incident, where it happened, the names of anyone present, and what you did in response to the incident. Additionally, hold on to copies of any related emails, text messages, notes, blog or Facebook posts, or letters.

ENLIST SUPPORT FROM OTHERS

Think about people who might be good allies. Talk to your parents and your friends. Are there other students who share your concerns? Identify adults who might be sympathetic. Sometimes it can be helpful to use publicity to build awareness and support.

MEET WITH SCHOOL OFFICIALS

Before meeting with any school personnel, including the school's Title IX Coordinator, decide what you want to talk about and how you want to talk about it. After your meeting, write a brief follow-up note to the person you met with to confirm what you discussed. Keep copies of all of your notes, letters, and e-mails with the school, and keep notes on what happened at any meetings. You may want to have an adult go with you, or include a group of students who see the same problem.



FILE A COMPLAINT OR GRIEVANCE

With the school. Your school is required to publish, in the student handbook, rules and procedures for filing complaints. Make sure to write down and organize any information, such as dates, names, descriptions of events or behavior, and anyone you contacted about your complaint.

With a federal agency. You may also want to file a sex discrimination complaint with the Department of Education's Office for Civil Rights (OCR). For detailed information on how to file a complaint, go to <http://www.ed.gov/about/offices/list/ocr/index.html>.

In court as a last resort. If the matter cannot be resolved, you may want to file a lawsuit in federal or state court. Suits in federal court must be filed within a certain period of time after a person has been discriminated against. Many states have strict time limits as well. A lawsuit can be filed instead of, or in addition to, an OCR complaint.

For more information about Title IX, visit www.nwlc.org and www.titleix.info.

If you have any questions, are looking for additional resources, or would like suggestions about how to address discrimination in your school, contact the National Women's Law Center by sending an email to info@nwlc.org or by calling (202) 588-5180.

NOTES



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