



Title IX Coordinators

BACKGROUND ON TITLE IX COORDINATORS

Under Title IX, organizations that receive federal financial assistance and that offer education programs and activities (“recipients”) are required to designate and employ at least one Title IX Coordinator to identify, resolve, prevent, and eliminate sex discrimination. Title IX Coordinators, commonly called Title IX Compliance Officers or Gender Equity Coordinators, are responsible for coordinating the recipient’s compliance with Title IX in academics, athlet-

ics, facilities, employment, testing, career guidance, rules of conduct, benefits, and all other aspects of education programs and activities. Title IX Coordinators are required in all school districts and their individual PK–12 schools, all state education agencies (SEAs), all public postsecondary institutions, and most private postsecondary institutions, as well as a wide range of other institutions, such as libraries, museums, scientific labs, health facilities, and prisons. They often work with other civil rights coordinators with responsibilities for ending discrimination on the basis of race, color, national origin, disability, age, or religion. They

should be the lynchpins and catalysts in educating all education stakeholders in addressing and preventing sex discrimination.

Unfortunately, students in many of the 98,000 PK–12 public schools in the United States do not have a Title IX Coordinator. In 2016, the Department of Education collected and published contact information for over 23,000 Title IX Coordinators in school districts and postsecondary institutions.¹ However, based on the number of public schools, school districts, postsecondary institutions, etc. in the United States, there should be over 100,000 Title IX Coordinators in U.S. schools. The contact information for Title IX Coordinators is

also notoriously difficult to find, even on the recipient organizations' websites.² The Department of Education's Civil Rights Data Collection (CRDC) is one way that the Department now reminds school districts to employ district level Title IX Coordinators and to make their contact information publicly available (<https://ocrdata.ed.gov>). The Department's Office of Postsecondary Education used to provide contact information on Title IX Coordinators in each postsecondary school in connection with its Campus Safety and Security Survey (CSS), but this information no longer seems to be available on that website (<https://ope.ed.gov/campusafety>).

Developments Since 1972

Title IX Coordinators were first required in the original 1975 Title IX regulations.³ During the first 20 years in which Title IX was in force, Title IX Coordinators worked successfully to end many policies and practices that overtly discriminated on the basis of sex in schools. Their work was often supported by funding that created networks of Coordinators, who became gender equity leaders in their states, school districts, and postsecondary institutions. They trained teachers and administrators and developed proactive strategies to advance gender equity. For example, a former state Title IX Coordinator in Connecticut ensured that all Connecticut school districts designated both a district-wide Title IX Coordinator and school-level Title IX Coordinator at each school. He also listed these Title IX Coordinators on the state's education agency website so the public could easily find help. Connecticut continues to provide workshops to train Title IX Coordinators and finds that when these practices are implemented, complaints fall dramatically.⁴

However, much of that infrastructure support has since disappeared, even as inequities persist, and the complexities of ending sex discrimination increase. Many educational institutions neglect to designate or allocate funding for qualified Title IX Coordinators. Few states provide active leadership or training to their Title IX Coordinators. A 2018 study of 118 school districts in California and Colorado found that many school districts did not include any information about their Title IX Coordinator on their websites and that district office personnel could not readily provide this information when they were called.⁵ Of the eight Title IX Coordinators interviewed, the majority reported that Title IX-related tasks accounted for very little of their time (less than 1 percent in many cases), that few had received Title IX training, and that they did not train school-level Title IX Coordinators in their school districts.⁶ Several Coordinators noted that initially they did not even know Title IX work was a part of their job and that this responsibility was not clear in their job descriptions.⁷

DEVELOPMENTS SINCE 1972 *continued*

Meanwhile, Title IX Coordinators and their allies face new challenges, as addressing sex discrimination in education programs and activities has become more complicated over the last 50 years due to:

- Different interpretations of the role of governments and schools, including new (and sometimes inconsistent) federal, state, and local laws and policies.
- More nuanced understandings of sex discrimination, including discrimination on the basis of sexual orientation and gender identity.
- Recognition of intersectional discrimination, *i.e.*, discrimination on the basis of sex combined with race, color, national origin, English language ability, disability, age, religion, and/or socioeconomic status, etc.
- Discrimination being less likely to be in the form of facially discriminatory policies and thus more difficult to assess.
- Major changes in patterns of sex differences in higher education enrollment, with women now making up the significant majority of undergraduates and the majority of students in some traditionally male graduate programs, such as law schools; this shift has led some to wrongly conclude that women no longer face meaningful sex discrimination in education.
- Additional state and federal laws that broaden understandings and/or coverage of protections against sex discrimination, such as the Violence Against Women Acts and State Equal Rights Amendments.

Over the last few decades, the Department has issued Title IX guidance instructing schools about their duties with respect to Title IX Coordinators. In 2004, the Department under the G.W. Bush administration reminded school districts, postsecondary institutions, and state education agencies (SEAs) to appoint Title IX Coordinators and publish grievance procedures for resolving complaints of sex discrimination.⁸ The Department also detailed the responsibilities of Title

IX Coordinators in specific Title IX guidances on other topics, such as athletics, vocational education, and sexual harassment. In 2013, the Obama administration's Department began requiring school districts to report the contact information of their Title IX Coordinators and other Civil Rights Coordinators in the 2013–14 CRDC.⁹ In 2015, the Department under the Obama administration issued a resource guide instructing schools to give Title IX Coordinators appropriate authority, independence, and support to: develop, revise, and implement policies and procedures related to Title IX compliance; assist in surveys on school climate; monitor sex discrimination in education programs and activities; and provide training and technical assistance to the school community regarding sex discrimination to ensure that students and staff are aware of their Title IX rights and responsibilities.¹⁰ However, the Trump administration rescinded this guidance in 2020.¹¹ The Trump administration also issued helpful instructions to Title IX Coordinators, such as recordkeeping requirements for Title IX Coordinators in the otherwise flawed 2020 Title IX regulations, which the Biden administration plans to replace.¹²

Congress has taken a number of steps to support Title IX Coordinators. In 1974, Congress funded the Women's Educational Equity Act (WEEA). It also funded state Sex Equity Coordinators to manage vocational education sex equity programs under the Perkins Vocational Education Acts.¹³ Currently, Senator Mazie Hirono and Representative Doris Matsui have introduced the Gender Equity in Education Act (GEEA), which would establish an Office for Gender Equity in the Department of Education and launch a comprehensive national strategy grounded in support for Title IX Coordinators.¹⁴ Other key GEEA provisions include providing technical assistance and annual training to Title IX Coordinators, developing a handbook for Title IX Coordinators to conduct self-evaluations of Title IX compliance, identifying and disseminating information and evidence-based best practices for reducing and preventing sex discrimination, and maintaining an Office for Gender Equity Resource Center website.

Recommendations

The Department of Education should:

- Restore and strengthen the rescinded 2015 Title IX guidance on the appointment and responsibilities of Title IX Coordinators at all levels, including encouraging school districts to have a Title IX Coordinator at each school (rather than only at the school district level), requiring school district Title IX Coordinators to train and assist any local school-based Title IX Coordinators, and providing instructions to Title IX Coordinators on how they can work more collaboratively with other equity coordinators, gender equity experts, and stakeholders using advisory groups or other structures.
- Ensure the Title IX Coordinators database is updated for school districts (<https://ocracas.ed.gov/civ-rts-coordinators>) and ensure a similar database is publicly available for postsecondary institutions. Revise the CRDC and CSS to collect and report information on Title IX Coordinators not only in all school districts and postsecondary institutions but also in individual PK-12 schools and at SEAs. As soon as possible create a public and free national Title IX Coordinator database to identify, recognize, and communicate with all 100,000+ Title IX Coordinators.
- Provide additional guidance, training, research, resources, tools, technical assistance, protection against retaliation, and other support to Title IX Coordinators, and encourage them to adopt more proactive, preventative strategies, including working with other gender equity experts and advocates, instead of relying on reactive compliance-driven strategies. This includes identifying and training over 100,000 Title IX Coordinators, with special attention to Title IX Coordinators in public PK-12 schools.

- Establish an Office for Gender Equity in the Department of Education (even before Congress passes GEEA) to oversee vigorous implementation of Title IX; provide resources to Title IX Coordinators and their allies, including through a federal gender equity website; and expand the Department's policy, research, and evaluation functions to address sex discrimination in all aspects of education.
- Provide guidance on how Title IX Coordinators in states and local governmental entities should work together and with their allies to implement Title IX, related federal nondiscrimination laws, and complementary state and local laws and policies. This includes inviting Title IX Coordinators to be active participants in the Biden administration's new National Gender Equity Infrastructure¹⁵ and to share information via (1) vertical networks between SEAs, school districts, and individual schools; and (2) horizontal networks between schools and with community members and other gender equity experts.

Congress should:

- Pass the Gender Equity in Education Act (S.2186 and H.R. 4097), which would establish a gender equity infrastructure led and supported by a new Office for Gender Equity in the Department of Education and would authorize \$800 million over the next five years to support Title IX Coordinators.¹⁶
- Pass other legislation which would help Title IX Coordinators fully implement Title IX and related gender equity goals, including the Stop Sexual Harassment in K-12 Act¹⁷ and Supporting Survivors of Sexual Harassment in Schools Act,¹⁸ both which would require school districts to hire an adequate number of Title IX Coordinators.

- 1 Feminist Majority Foundation, *Reinvigorating the Role of the Title IX Coordinator: A Requirement and Resource* (2016), <https://feminist.org/wp-content/uploads/2020/06/Title-IX-Coordinators-Summary-9-19-16-1.pdf>.
- 2 Feminist Majority Foundation, *State & Large School District Title IX Gender Equity Coordinators, Methods of Administration Coordinators & Other State & District Level Gender Equity Experts 2* (last updated Oct. 2019), <https://feminist.org/education/pdfs/State-TitleIX-Coordinators.pdf>.
- 3 45 C.F.R. § 86.6 (issued by Department of Health, Education, and Welfare in 1975); see also 34 C.F.R. § 106.8 (issued by Department of Education in 1980). This same provision is included in the Title IX 2000 Common Rule, which applies to other Federal agencies. 65 Fed. Reg. 52857 (Aug. 30, 2000).
- 4 See Connecticut State Department of Education, *Title IX Coordinators*, <https://portal.ct.gov/SDE/Title-IX/Title-IX-Coordinators>.
- 5 Elizabeth J. Meyer et al., Title IX coordinators as street-level bureaucrats in U.S. schools: Challenges addressing sex discrimination in the #MeToo era, 26 Educ. Pol'y. Analysis Archives 68, at 20 (2018), <https://epaa.asu.edu/ojs/index.php/epaa/article/view/3690>.
- 6 *Id.* at 2, 8.
- 7 *Id.* at 8, 14.
- 8 Department of Education, *Title IX Grievance Procedures, Postsecondary Education* (Aug. 4, 2004), https://www2.ed.gov/about/offices/list/ocr/responsibilities_ix_ps.html; Department of Education, *Title IX Grievance Procedures, Elementary and Secondary Education* (Apr. 26, 2004), https://www2.ed.gov/about/offices/list/ocr/responsibilities_ix.html.
- 9 Feminist Majority Foundation, *Reinvigorating the Role of the Title IX Coordinator: A Requirement and Resource* 5-6 (2016), <https://feminist.org/wp-content/uploads/2020/06/Title-IX-Coordinators-Summary-9-19-16-1.pdf>.
- 10 Department of Education, *Dear Colleague Letter on Title IX Coordinators* (issued Apr. 24, 2015; rescinded Aug. 26, 2020), <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201504-title-ix-coordinators.pdf>; Department of Education, *Title IX Resource Guide* (issued Apr. 24, 2015; rescinded Aug. 26, 2020), <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-guide-201504.pdf>.
- 11 *Id.*
- 12 34 C.F.R. § 106.45(b)(10). See also Mid-Atlantic Equity Consortium, Inc., *Title IX Coordinator Roles and Responsibilities* (last visited Apr. 15, 2022), <https://maec.org/resource/title-ix-coordinators-roles-and-responsibilities>.
- 13 See Margaret A. Nash, Susan S. Klein & Barbara Bitters, *Handbook for Achieving Gender Equity through Education*, Ch. 5: The Role of Government in Advancing Gender Equity in Education (2007), <https://feminist.org/wp-content/uploads/2020/06/5-Role-of-Government.pdf>.
- 14 Patsy T. Mink and Louise M. Slaughter Gender Equity in Education Act of 2021, S.2186 and H.R. 4097, 117th Cong. (2021).
- 15 White House, *Fact Sheet: National Strategy on Gender Equity and Equality* (Oct. 22, 2021), <https://www.whitehouse.gov/briefing-room/statements-releases/2021/10/22/fact-sheet-national-strategy-on-gender-equity-and-equality>.
- 16 Patsy T. Mink and Louise M. Slaughter Gender Equity in Education Act of 2021, S.2186 and H.R.4097, 117th Cong. (2022). See also Letter from Feminist Majority Foundation and 117 Gender Justice Organizations to Linda Darling-Hammond, Director of the Biden-Harris Education Transition Team (Jan. 8, 2021), <https://feminist.org/wp-content/uploads/2021/01/Office-for-Gender-Equity-ltr-1-8-21.pdf>; Letter from National Coalition for Women and Girls in Education to Biden-Harris Education Transition Team (Dec. 17, 2020), <https://nwlc.org/wp-content/uploads/2020/12/NCWGE-member-letter-to-Biden-12.17.20-signed.pdf>.
- 17 H.R. 8290, 116th Cong., (2020).
- 18 H.R. 8193, 116th Cong. (2020).