



Title IX Coordinators: Key to Fighting Sex Discrimination in Education

Title IX—the landmark federal legislation mandating gender equity in education passed by Congress in 1972—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."

Title IX prohibits sex discrimination against students and employees in all levels of education at all institutions with education programs and activities that receive federal financial assistance. It covers all aspects of education from athletics to academics, and prohibits discrimination in facilities, benefits, employment, opportunities, career guidance, school climate, testing, discipline, and much more.

In its first two decades, Title IX had an enormous impact reducing overt sex discrimination in American K-12 and postsecondary education, partly because of energetic implementation by the federal and state governments. In recent years, declining education budgets and changing priorities have reduced proactive enforcement even as gender equity issues such as sexual assault and sex segregation have become more complex. The challenge is to increase understanding and implementation of Title IX so our schools become truly equitable for all students, regardless of sex and gender identity.

One vital strategy to do this is to reinvigorate the role of the Title IX Coordinators. Since 1975, each organizational recipient of federal financial assistance has been required to "designate at least one employee to coordinate its efforts to comply with and carry out Title IX responsibilities" and "to make the Coordinators' names and contact information public". In the law's first 20 years, Title IX Coordinators helped end much of the overt sex discrimination 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.

Much of that infrastructure support has disappeared, even as inequities persisted and the legal complexities of ending discrimination increased. Many educational institutions, both K-12 and postsecondary, neglected to designate qualified Title IX Coordinators. Or if appointed, this responsibility was added to already heavy workloads of administrators and teachers who received little help or financial support for their Title IX work. Today's Coordinators must deal with more subtle forms of discrimination and more complicated regulations and guidance from the federal government. In many agencies they are also responsible for federal or state civil rights laws addressing race, disability, and other issues.

It is critical to renew efforts to increase the ranks of effective and independent Title IX Coordinators and support them as equity leaders. Fortunately, in April 2015 the Office for Civil Rights (OCR) in the US Department of Education (ED) issued helpful guidance to insist that schools appoint and support trained Title IX Coordinators. This OCR guidance is found in a letter to school district superintendents or college presidents <http://www.feminist.org/education/pdfs/colleague-201504-title-ix-coordinators.pdf>, a second letter to Title IX Coordinators <http://www.feminist.org/education/pdfs/dcl-title-ix-coordinators-letter-201504.pdf>, and a *Title IX Resource Guide* <http://www.feminist.org/education/pdfs/dcl-title-ix-coordinators-guide-201504.pdf>.

These three OCR guidance documents address many of the Feminist Majority Foundation's (FMF) longstanding recommendations to enhance the effectiveness of Title IX Coordinators. The following recommendations highlight key aspects of the OCR guidance as well as other ways to enhance the roles of Title IX Coordinators.

- **Disseminate information on Title IX and Title IX Coordinators on appropriate websites.** For years, FMF and others have urged OCR to request that contact information for all Title IX Coordinators be widely disseminated and easily accessed by the public on **websites** of each school and district—an electronic option not foreseen when the regulations were issued in 1975. Now the OCR guidance specifies that information on Title IX Coordinators and Title IX itself, be included on the institution's website and also shared with their communities in other ways. Additionally, the OCR's mandatory Civil Rights Data Collection (CRDC) is collecting (and will publish) names of school district Title IX Coordinators, and the ED Office of Postsecondary Education will provide online public information on Title IX Coordinators in postsecondary institutions.
- **OCR should continue to insist that Title IX be fully implemented with the help of Title IX Coordinators in all levels of education institutions and at all entities with education programs and activities that are required to comply with Title IX such as libraries and museums.** The new guidance focuses on having well-trained full-time Title IX Coordinators with time to address equity issues in public K-12 school districts and almost all public and private higher education institutions. It also encourages school districts to have designated

Title IX Coordinators in individual schools or, at a minimum, easily accessible and well-trained expert district-level Title IX Coordinators that adequately cover each school or parts of the school. In addition to more emphasis on non-school entities, more federal guidance and support is needed to enhance the leadership, and networking roles of State Title IX Coordinators to ensure that Title IX is addressed in all relevant state education policies and that all institutions employ and support qualified, effective, and independent Title IX Coordinators.

- **OCR should insist that Title IX Coordinators (individually or collectively) in each recipient organization be designated to cover all aspects of Title IX. If the Institution is large and there are multiple Title IX Coordinators, their work should be coordinated by a lead Title IX Coordinator.** The new OCR guidance encourages large institutions to use a team of Title IX Coordinators specializing in athletics, sexual harassment/assault, career technical education, academics, school discipline, and other topics. It says the lead Title IX Coordinator should have “ultimate oversight responsibility.” The new OCR *Title IX Resource Guide* has detailed guidance on specific Title IX topics such as athletics, sex-based harassment, pregnant and parenting students, and single-sex education. FMF also recommends that Title IX Coordinators join networks that specialize in advancing Title IX compliance in these topic areas (See Organizations and Resources Related to Title IX <http://www.feminist.org/education/pdfs/TitleIXResources12914.pdf>).
- **Institutions covered by Title IX should appoint and support qualified Title IX Coordinators and give them training, resources, and authority to do their job well while avoiding conflicting interests or any threats of retaliation.** The OCR guidance was strong on all these points--stating that designated well-trained Title IX Coordinators “must have the full support of” their institutions as well as “appropriate authority and support necessary for them to carry out their duties and use their expertise to help their institutions comply with Title IX”. Additionally, school districts and schools should fully support their Title IX Coordinators by having them answer directly to the “recipient’s senior leadership” (such as the superintendent or president), avoid conflicts of interest related to their other job responsibilities (such as not also serving as athletic director), and be “independent”. Although Title IX Coordinators’ are protected from retaliation, their independent ability to end sex discrimination is a huge challenge that may be helped by tenure, adequate budgets, reporting to school boards, partnerships with external equity advocates, etc.
- **Support a proactive role for Title IX Coordinators.** In addition to being responsive in the use of effective Title IX grievance procedures and coordinating the resolution of complaints, the OCR guidance reinforces Title IX Coordinators’ roles in drafting and revising policies, training, technical assistance, and monitoring compliance with Title IX related policies. It also specifies that they should have “access to all of their institution’s relevant information and resources” and help “ensure that their institutions’ information is accurate, comprehensive, and effectively used to cure civil rights violations or prevent them from occurring.” It also expects Title IX Coordinators to develop programs to make sure that all members of the school community “are aware of their rights and obligations under Title IX.” In doing so, they should proactively identify sex discrimination when it occurs, and educate students and staff to eliminate and prevent both deliberate and unconscious inequitable treatment. OCR has indicated that the Title IX Coordinator is expected to help report information related to complaints, and to play a strong and visible role in the community to build trust and awareness by interested citizens.
- **Federal policy should focus on adequate and consistent national support for Title IX Coordinators, using networks and other implementation strategies at the school, district, or state level.** These networks of federal, state and local education agencies, as well as topic-focused networks involving gender equity experts in specific areas such as athletics, sexual assault prevention, STEM, single-sex education and more, can help increase the ability of Title IX Coordinators to improve school climates, reduce gender stereotyping that hurts both sexes, and ensure long-term compliance with all aspects of Title IX. Additionally, FMF recommends that Title IX Coordinators should network with other peer Title IX Coordinators and external gender equity advisors to facilitate their independence and effectiveness in dealing with gender equity policies and accountability as well as specific grievances or complaints. ED should help build and support these networks through new federal legislation such as in-state education agency guidance and through a revised and improved Women’s Educational Equity Act (which might be renamed the Gender Equity Education Act) to emphasize that additional federal support is needed to end sex discrimination against girls and boys, women and men as well as the LGBTQ community..
- **Title IX Coordinators should be encouraged to enlist community stakeholders as partners for increasing gender equity.** FMF recommends including students, parents, educators, union members, other civil rights activists, and especially gender equity experts/advocates. We encourage Title IX Coordinators to work with stakeholders in advisory groups to identify and assist in addressing sex discrimination and obtain needed independence from institutional leaders not fully supportive of gender equality.

With adequate support, appropriate training, and the capacity to participate in networks inside and outside educational institutions, Title IX Coordinators can ensure that schools are truly equitable for all students, and that lingering effects of sex discrimination will no longer limit students and staff in achieving their full potential.

*For copies of this handout and additional information see <http://www.feminist.org/education/NetworkCoordinators.asp>
or contact Sue Klein, FMF Education Equity Director sklein@feminist.org (March 18, 2016)*