



FEMINIST MAJORITY
FOUNDATION

EDUCATION EQUALITY PROGRAM

TITLE IX ACTION NETWORK
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REINVIGORATING THE ROLE OF THE TITLE IX COORDINATOR: A REQUIREMENT AND RESOURCE

By Sue Klein, Ed. D with contributions
from Karen Humphrey and FMF Researchers



Dedicated to Dr. Bernice Sandler, “Godmother of Title IX” (above), who also recommended the inclusion of Title IX Coordinators in the 1975 Title IX Regulations.

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By the Feminist Majority Foundation
1600 Wilson Boulevard, Suite 801
Arlington, VA 22209

Report available on
www.feminist.org/education/TitleixcoordinatorsNetwork.asp

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By Dr. Susan Klein, Education Equity Director, Feminist Majority Foundation (FMF) with contributions from Karen Humphrey, former California State Sex Equity Coordinator and FMF Researchers

Executive Summary¹

Title IX of the 1972 Education Amendments is one of the most consequential pieces of gender equity legislation ever passed by the United States Congress. In one bold stroke, it seeks to eliminate the pervasive sex discrimination that once ran rampant in American schools, colleges and universities, and guarantee equal rights to an education for girls and boys, women and men.

As with every law passed by a legislative body, the full effect is not felt until the law has been implemented in the real world. More than 40 years after Title IX was enacted, a great deal has changed for the better in American education for women and girls. Most of that change, however, took place in the first two decades after passage, when implementing regulations were adopted and federal and state governments helped educational institutions understand and carry out the law's intent. Much overt sex discrimination, such as quotas limiting the admission of women to medical school and firing of pregnant teachers, ended. So much changed during these key decades, in fact, that most Americans assume gender equity has been achieved in American education from pre-school to graduate school.

That is not the case. Sex discrimination affecting mostly, but not always, women and girls still exists in education programs and activities in institutions that receive federal financial assistance. This sex discrimination is often subtle, complicated, and compounded by unrecognized institutionalized sexism, racism and other forms of discrimination. Most of all, the dramatic reduction of resources and support for Title IX implementation that took place over the past two decades has almost eliminated our capacity to achieve full gender equity in schools.

True, the most egregious intentional discriminatory practices of the 1950s and 60s, carried over from previous generations, have largely disappeared. But major issues remain. Girls and women are still underrepresented in Science, Technology, Engineering, and Mathematics (STEM) courses and in Career Technical Education (CTE). Women professionals and other staff in education are still paid less than their male peers. Sexual assault—which was not considered a Title IX issue in the 1970s—has become a huge and visible problem affecting many thousands of students whose K-12 and postsecondary schools fail to protect their safety. Often, students are bullied and harassed over issues rooted in gender identity or sexual orientation.

Despite increasing research-based evidence revealing the benefits of gender equitable coeducation, deliberate and often illegal sex segregation that promotes gender stereotypes persists, especially in schools where the students are predominantly African American. Pregnant and parenting teens

¹ Readers may also find the executive summary and full report online at www.feminist.org/education/TitleixcoordinatorsNetwork.asp

continue to be segregated into inferior programs that deprive them of the quality education they need in order to achieve self-sufficiency and support their children. Though female participation in interscholastic and intercollegiate athletics has expanded dramatically, many institutions have yet to achieve equity either in numbers or resources to support girls' and women's participation and success in athletics. Most troubling is that the lack of knowledge about Title IX, its purpose, and its requirements is widespread in the education community and among students and parents. Few even know that there is supposed to be a Title IX Coordinator in their schools with specific responsibility to address intentional and unintentional sex discrimination.

The gap between Title IX's goals and the present reality has inspired the Feminist Majority Foundation to search for ways to reinvigorate the dream of Title IX and ensure that NO student is disadvantaged or loses opportunities based on sex or gender discrimination and stereotyping. This report argues for a new view of the role Title IX Coordinators can play in achieving that dream. Instead of being seen only as a federal requirement whose job is reactive and compliance-driven, Title IX Coordinators should be seen as leaders and valuable resources in implementing and sustaining Title IX in every educational institution or entity receiving federal assistance for education.

Importance of Title IX Coordinators with a Supportive Title IX Infrastructure

Title IX guarantees that *"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 1975 Title IX Regulation developed to implement Title IX requires every institution that receives federal funds for education programs or activities to designate at least one employee as a Title IX Coordinator to oversee full implementation of Title IX throughout the organization. If this requirement were fulfilled as originally envisioned, there would be over 100,000 Title IX Coordinators in State Education Agencies (SEAs), Local Education Agencies (LEAs), pre-K-12 schools, postsecondary institutions, and other entities receiving federal support that provide formal or informal education such as libraries, museums, health and justice facilities.

Title IX Coordinators can and should be gender equity leaders and catalysts in identifying and ending sex discrimination. But as this report shows, the lack of systemic support for this role and its treatment as a requirement as well as an opportunity means Title IX Coordinators are more likely than not to be underused and virtually invisible to both the school and the larger community.

This report proposes that Title IX Coordinators should be seen as vital resources for increasing gender equity, and should also be supported by development of an infrastructure of vertical and horizontal networks working together to fully implement Title IX. The **vertical networks** would include federal, state, local district and school-level staff and offices responsible for Title IX, and would work together both top-down and bottom-up. The **horizontal networks** would include peer Title IX Coordinators; staff responsible also for eliminating discrimination based on race, disability, and other potentially stigmatizing characteristics; external gender equity experts in specific topics such as employment, athletics, STEM, sexual assault, sex segregation, and LGBTQ issues; community stakeholders and equity allies who could participate in advisory groups and partnerships with Title IX Coordinators.

Not only would such an infrastructure support Coordinators on their own sites, but by working together on common goals with other educators, policy makers, community stakeholders, parents, students and equity allies, Title IX Coordinators will have a wider impact, contributing to ending sex discrimination in American education. The expertise of Title IX Coordinators would be enhanced and their ability to proactively identify and solve problems would expand. Networks of Title IX Coordinators and equity

stakeholders would go a long way toward ensuring that students are safe from sexual and related harassment and violence, that all sex discrimination complaints are investigated promptly and fairly, and that remedies are implemented to prevent future sex discrimination.

Effective Title IX Coordinators Should:

- **Be proactive gender equity leaders not only in their institutions, but also in creating a Title IX infrastructure that provides and obtains support from others.** Such an infrastructure, with strong and transparent vertical and horizontal networks, could empower proactive, independent Title IX Coordinators who could more fully address gender equity in the educational environment.
- **Have the expertise and authority, both individually and as part of their institution's Title IX Coordinator team, to ensure the implementation of all aspects of Title IX such as ending sex discrimination and gender stereotyping in academics, athletics, employment, sexual harassment and assault, and disciplinary practices.**
- **Work closely with colleagues responsible for other civil rights to address intersectional sex discrimination, stereotyping, or bias including gender, gender identity and sexual orientation and one or more other characteristics such as race, ethnicity, national origin, disability status, poverty, religion or age.** This would create powerful equity partnerships that can educate and empower stakeholders in their right to be free of discrimination, and to support schools where *every* student can succeed.
- **Work with networks of supporters inside and outside their own school or agency to proactively prevent sex discrimination and prioritize policies and actions to protect the rights of victims of discrimination.** These networks would help provide Title IX Coordinators with the independence and authority to identify issues and propose solutions, even when their employers prefer not to "rock the boat". In so doing, they could help their institutions avoid the negative fallout of potential lawsuits and federal sanctions for ignoring sex discrimination.

Good Timing: Now is the Time for Renewed Attention to Title IX Coordinators

- **The Office for Civil Rights (OCR) in the US Department of Education (ED) and the Civil Rights Division in the US Department of Justice (DOJ) recently provided leadership and guidance for Title IX Coordinators.** ED and national gender equity organizations have also been identifying and providing contact information on Title IX Coordinators.
 - OCR published 2015 guidance on Title IX Coordinator roles and responsibilities; it also provided additional guidance letters focused on specific aspects of Title IX such as sexual harassment and assault, athletics, and single sex education.
 - For the first time ever, ED's OCR and the Office of Postsecondary Education (OPE) collected and published contact information on over 23,000 Title IX Coordinators in Local Education

Agencies (LEAs) and postsecondary institutions on OCR and OPE websites as part of the required Civil Rights Data Collection (CRDC) and Clery Act reports.²

- **The Patsy T. Mink Gender Equity in Education Act of 2016 (GEEA) was introduced by Senator Mazie Hirono and Representative Louise Slaughter in July 2016.** This Act provides funding for a much needed Office for Gender Equity in the US Department of Education to coordinate gender equity efforts throughout the government and assist educational entities in the full implementation of Title IX. It also provides funding for the training and support for Title IX Coordinators in State Education Agencies (SEAs), Local Education Agencies (LEAs), elementary and secondary schools, institutions of higher education and for partnerships with national or other organizations with expertise in advancing gender equity in education. A strong collaborative effort is underway to push for passage of this Act.
- **Developers of a supportive Title IX infrastructure can build on past federal investments and good practices developed by Title IX Coordinators and other equity experts over the years.** Some of these past federal investments include: mandated and funded state Sex Equity Coordinators in vocational education (now called career and technical education), Civil Rights Act Title IV funding of state Title IX Coordinators, technical assistance through the Equity Assistance Centers, and the identification, development, and dissemination of gender equity resources under the Women's Educational Equity Act and the National Science Foundation.
- **The federal government still maintains its mandated lead role in implementing and enforcing civil rights laws.** Even though most specific targeted gender equity funding has ended and GEEA has just been introduced, educational institutions should use ongoing federal and state funding streams to support implementation of federal civil rights laws. For example, under the 2015 Every Student Succeeds Act (ESSA), State Education Agencies (SEAs) and Local Education Agencies (LEAs) have increased discretion in spending federal funds. States and school districts should use this additional flexibility to enhance the roles of Title IX Coordinators and empower them to be more proactive in identifying disparities and implementing effective solutions.
- **Finally, findings in this report provide timely insights to help guide the development of an effective Title IX infrastructure.** Much as "it takes a village to raise a child," collaboration around shared goals among all stakeholders with strong leadership by gender equity advocates has been shown to achieve much more than an individual can do alone. An effective Title IX infrastructure is essential to supporting these gender equity leaders in working with all stakeholders to assure gender equality both in and through education. FMF findings about the limited support for Title IX Coordinators by their agencies offer opportunities for positive change.

² The American Association of University Women has created a web-based map to show the names and contact information on 16,000+ LEA Title IX Coordinators in each state.(See <http://www.aauw.org/resource/find-your-title-ix-coordinator>) In doing so they used the results of the 2013-14 Civil Rights Data Collection (See <http://www2.ed.gov/about/offices/list/ocr/docs/crdc-2013-14.html>) **Contact information on a** Title IX Coordinator in 7,000+postsecondary institutions may be found in the ED OPE Campus Safety & Security Data Analysis Cutting Tool Website <http://ope.ed.gov/campussafety/#/> by going to the "Get Data for One School" section. FMF's list of State and other Title IX Coordinators is available on <http://www.feminist.org/education/pdfs/State-TitleIX-Coordinators.pdf>. Updated information on GEEA should be available on <https://www.congress.gov/bill/114th-congress/senate-bill/3147/text>

Conclusions about Reinvigorating Title IX Coordinators

There is substantial evidence of inadequate compliance with Title IX Coordinator requirements.

The national FMF research on large cities and pre K-12 school districts and related local studies by Equal Rights Advocates (ERA), the National Organization for Women (NOW), and the American Association of University Women (AAUW) found that it is hard to even identify Title IX Coordinators, especially at the district and school levels. In many cases, they had not been appointed. However, improvement is possible. Mandatory information requests from the US Education Department (ED) to 16,000+ public school districts along with 2015 ED guidance requesting public web-based posting of Title IX Coordinator contact information should help in the appointment and visibility of Title IX Coordinators. Contact information on these 2013-14 school district and 7,000+ postsecondary school Title IX Coordinators is now available along with FMF's 2016 web list of 200 State Education Agency (SEA) and large school district Title IX Coordinators. However, listing coordinators is only part of what is needed to ensure qualified and effective Title IX Coordinators are actually working on all aspects of Title IX at every level of education.

While FMF found good practices by some Title IX Coordinators such as partnering with gender equity activists, we also found gaping holes in implementing key aspects of the OCR Title IX Coordinators' guidance. For example:

- **It is rare to find proactive, well-trained State Education Agency or large city/school district Title IX Coordinators, either individually, or as a team, who cover all aspects of Title IX, including academics, employment, athletics, and school climate, or who provide training and assistance to Title IX Coordinators in all the district's schools.**
- ***There is a lack of information on Title IX Coordinators and Title IX topics on most SEA websites. School district/LEA websites are typically worse.***
- ***There were many instances where Title IX Coordinators did not follow the independence, "full-time," and lead Title IX Coordinator recommendations in the OCR 2015 Title IX Coordinator Guidance.***
- ***Many of the current Title IX/Gender Equity Coordinators at the SEA and LEA levels are poorly supported by their institutions and/or stakeholders in providing high quality, systematic, supportive, sustainable and proactive leadership.*** Their roles are primarily seen as reactive, responding to complaints and issues brought to their attention and protecting their employer from sex discrimination lawsuits.
- ***There is little systemic oversight of the gender equity aspects of educational programs, resulting in inadequate compliance with OCR Title IX guidance. This has resulted in school sanctioned sex discrimination, especially related to single sex programs, as well as inadequate protection of students from sexual assaults.*** Such oversight is difficult if the Title IX Coordinator is not provided with adequate institutional support and independence and freedom from retaliation.

**A well supported Title IX infrastructure is essential
to reinvigorate and sustain effective Title IX Coordinators.**

In recent years, little deliberate attention has been paid to establishing a Title IX infrastructure to support Title IX Coordinators and the full implementation of Title IX, although such an infrastructure has antecedents that suggest it has been and could again be very effective in addressing ongoing sex discrimination.

The 2015 OCR guidance for Title IX Coordinators has important recommendations for individual Title IX Coordinators and their colleagues. But aside from encouraging the appointment of lead Title IX Coordinators, it does not specifically mention using ongoing vertical or horizontal networks as a strategy to support Title IX implementation. Although national guidance and resources such as funding for SEA vocational education sex equity coordinators have been helpful in developing some aspects of a Title IX infrastructure, this federal support has diminished or disappeared in recent years.

Only a few states, such as Connecticut and Oregon, have **vertical** Title IX Coordinator networks to connect the State Education Agency (SEA) with their district or postsecondary Title IX Coordinators and with Title IX Coordinators at the school level. There is also no national guidance and little state guidance on how district level Title IX Coordinators could ensure that there are effective Title IX Coordinators at the school level.

Horizontal networking of Title IX Coordinators if it occurs at all, has not been very systematic, comprehensive, or well supported. For example, stakeholders responsible for, and interested in, achieving gender equity within a school community are rarely encouraged to work together unless there is a crisis. Peer Title IX Coordinators across states, school districts, and schools rarely meet even for training or sharing best practices; and experts from gender equity organizations have not been encouraged to serve as advisors or partners to Title IX Coordinators. Similarly, topic-focused horizontal networking is especially important as Title IX Coordinators address increasingly complicated types of discrimination such as sexual harassment and assault, disparities in academic areas (such as STEM and Career Technical Education) and inequities in educator employment, sex segregated classes and schools, and in athletics.

**Promising and effective practices and policies need to be identified, developed, and
replicated to maximize the positive impact of reinvigorated Title IX Coordinators and their
allies in ending sex discrimination and gender stereotyping.**

Title IX Coordinators in State Education Agencies, Local Education Agencies, individual schools, and their allies are using some promising and effective practices and policies to decrease sex discrimination in education, but these strategies have not been systematically identified, publicized, or replicated regionally and nationally.

After Title IX Regulations were issued in 1975, some SEAs led site visits to review compliance with Title IX, trained educators in the field on Title IX, and networked with local Title IX Coordinators. A number of states even passed their own state Title IX type gender equity laws, some of them stronger and clearer than the federal Title IX Regulations. Some states also have useful and detailed websites focusing on Title IX and statewide programs to train Title IX Coordinators. Other federally supported resources such as the Women's Educational Equity Act Resource Center and its Gender Equity Expert Panel no longer exist, but there are some federal and non-federal websites and organizations that focus on sharing specific topic focused gender equity resources such as the notalone.gov website on sexual assault

prevention, the STEMConnector.org, and a wide range of information and resources from FMF and other members of the National Coalition for Women and Girls in Education (ncwge.org).

Recommendations to Maximize the Effectiveness of Title IX Coordinators and Their Allies in Fully Implementing Title IX

1. Increase the numbers of effective and empowered Title IX /Gender Equity Coordinators.

Well-trained, qualified, proactive Title IX Coordinators should be in place in every State Education Agency (SEA), 16,000+ Local Education Agencies (LEAs), 95,000+ Pre K-12 schools, and 7,000+ college and university campuses. While all such Coordinators need not be full-time in that role, they should know their responsibilities for eliminating sex discrimination and have adequate time and support to carry them out.

Federal agencies, especially the U.S. Department of Education (ED), should provide guidance, support and assistance to ensure that there are qualified proactive Title IX Coordinators in all schools or other sites responsible for complying with Title IX. If this were to be realized, there would be over 100,000 well-trained Title IX Coordinators throughout the US education system. The ED Assistant Secretary for Civil Rights, Catherine Lhamon, spoke about the important role of school level Title IX Coordinators in a video where she responded to the question, “How do you envision the Title IX Coordinators as helping to play a preventive role in the areas of sexual harassment/assault and many other types of sex discrimination?” Her response was that “the Title IX Coordinator has a critical role. Every school is supposed to have a Title IX Coordinator covering all aspects that Title IX covers.”³ It is common especially for universities to have multiple Title IX Coordinators for their different campuses or to cover specific areas such as the prevention of employment discrimination or sexual harassment and assault.

If there were, as envisioned well trained, proactive Title IX Coordinators educating teachers, students, and parents in all institutions responsible for implementing Title IX there would be a significant increase in attention to required Title IX protections from all types of sex discrimination. Educators and students would benefit from the Coordinators’ ability to identify and reduce or eliminate both intentional and unintentional sex stereotyping and discrimination.

2. Provide easily accessible web information on all Title IX Coordinators and on Title IX compliance.

This information should do more than meet federal posting requirements on contacting Title IX Coordinators in their institutions and on grievance procedures. It should also inform and educate educators, students, and the public on progress on key indicators of sex discrimination in school report cards; publish pending complaints and resolutions; and make available evidence based best practices and replicable programs to prevent and decrease sex discrimination.

3. Provide administrative, policy, training, networking, and research support to Title IX Coordinators so they will be effective individually, or as a team, in identifying and ending sex discrimination across the full spectrum of Title IX protections.

This would also include evaluating and publicizing the work of Title IX Coordinators together with their stakeholders and allies in the many areas covered by Title IX.

³ For the video, see <https://www.youtube.com/watch?v=kkQfdvciEDI>. The Q&A section is between minutes 139.00 and 149.00.

4. Create a viable Title IX infrastructure at the local, state and national levels of vertical and horizontal networks to support Title IX Coordinators and their allies in fully implementing Title IX.

- **Vertical networks** would operate top-down and bottom-up from the federal level to local public schools. For example, the 16,000+ LEA Title IX Coordinators would play a key role in training and supporting their districts' school level Title IX Coordinators --totaling over 95,000 public schools.

- **Horizontal networks** would focus on Title IX Coordinator connections:
 - Among local area peer Title IX Coordinators.
 - With other equity/diversity experts and advocates (race/ethnicity, disabilities, SES, LGBTQ) in their institutions and community.
 - With stakeholders such as parents and students (perhaps by involving them in an advisory group and in Title IX training).
 - With experts in various specialty areas covered by Title IX protections such as, academics, career/technical education, employment, pregnancy/parenting, school discipline, sexual assault, sex segregation, and athletics.
 - With equity advocacy organizations such as members of the National Coalition for Women and Girls in Education (NCWGE) and Equity Assistance Centers and OCR Regional Offices.

5. Use a variety of effective strategies to increase our national commitment to end sex discrimination taking advantage of Title IX, its Coordinators, allies and infrastructure.

These strategies would focus on increasing the numbers of empowered and effective Title IX Coordinators and in establishing an effective, comprehensive, dynamic and robust, Title IX infrastructure to advance gender equity both in and through education. A key component of this national commitment should build on the provisions of the Gender Equity in Education Act of 2016 (GEEA) introduced in Congress in July 2016.

6. Develop a campaign led by equity advocacy groups and Title IX Coordinators to implement these recommendations.

This campaign should be broadly-based and able to engage different constituencies ranging from grass-roots gender equity organizations, to teachers' organizations, to groups that work with gender equity in STEM, to feminist campus groups and foundations interested in improving education and social justice. A key focus of this Campaign would be to secure passage of a strong well-funded GEEA to establish a dynamic and long lasting Title IX infrastructure with an emphasis on the important roles of Title IX Coordinators and gender equity advocates.