

History, Status, and Future Roles of Title IX Gender Equity Coordinators¹

Title IX of the 1972 Education Amendments states, “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.”² Although Title IX was passed with little notice, (no fanfare and no opposition), the far-sighted regulations, published in 1975, have been instrumental in opening pathways for women and girls in all forms of education, from the classroom to athletics.

The federal regulations for Title IX prohibit discrimination in: facilities; access to courses and other educational activities; career guidance and school guidance counselor services; student financial aid; student health and insurance benefits; scholastic (K-12), intercollegiate, club, or intramural athletics; physical education; student housing and facilities; decisions based on marital or parental status or pregnancy. In subsequent legal interpretations, it was determined that Title IX also covers employment in educational institutions and sexual harassment. The Title IX Regulations also mandate that all institutions receiving federal financial assistance designate an employee to be responsible for the organization’s enforcement of Title IX. This employee, hereto referred to as the Title IX coordinator³, processes grievance complaints and help ensure that the recipient institution is effectively implementing Title IX.

Who are the Title IX coordinators and what do they do?

The portion of the Title IX Regulations concerning gender equity coordinators reads:

Designation of responsible employee. Each recipient shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated to such recipient alleging its noncompliance with this part or alleging any actions which would be prohibited by this part. The recipient shall notify all its students and employees of the name, office address and telephone number of the employee or employees appointed pursuant to this paragraph.⁴

The Title IX coordinators operate at many levels in the educational system. As recipients of federal financial assistance, each State Education Agency (SEA) must have one or more Title IX coordinators who oversee Title IX activities in the state. In many cases these coordinators are also responsible for education related state gender equity laws, regulations, and policies. Their roles often include answering questions and responding to complaints at a state level, advising

¹ This paper was written by Christina Baulch, a 2004 summer intern at the Feminist Majority Foundation, with input and refinement by Barbara Bitters, Marilyn Hulme, Sue Klein, Darcy Lees, and Linda Shevitz.

² The current Title IX regulations can be found at: <http://www.ed.gov/policy/rights/reg/ocr/edlite-34cfr106.html>.

³ The term Title IX Gender Equity Coordinator is used to denote the official Title IX designee required by law. Individuals who work with gender equity issues or programs may also be known as gender equity coordinators or gender equity specialists. These individuals generally also have responsibility for Title IX compliance.

⁴ See current regulations for further provisions.

the state superintendent, monitoring compliance of local school systems, and providing training, technical assistance, and/or resources relating to Title IX to other Title IX coordinators.

At the local level, individual district and school Title IX coordinators handle complaints and compliance in their district or school. In some states, these regulations go beyond the federal Title IX requirements, which are folded into the responsibilities of the equity officer or affirmative action officer at the district level. While the SEA Title IX coordinators would be available for wider range questions such as information on related state human rights laws, it is generally expected that parents or students seeking help would first consult their school or district Title IX coordinators. While it is clear that each local school system or post-secondary institution that receives federal funds is required to have at least one Title IX coordinator, we are not aware of any legal decisions about whether every individual school or other recipient subunit is required to designate a separate on-site Title IX coordinator. Just as principals sometimes serve more than one school at a time, it may be feasible to designate the same Title IX coordinator for several schools, but students, parents and staff in each school should know who that person is and have access to their services. Many states and local school districts encourage the appointment of a Title IX coordinator in every school. We strongly encourage the placement and training of Title IX coordinators on each recipient site, but we also encourage recipient institutions with multiple sites to help their Title IX coordinators meet and work together.

In some states the Title IX coordinators also work closely with the state Vocational Education Sex Equity staff, and the state administrator of the Memorandum of Agreement, developed to implement the 1979 Vocational Education Program Guidelines For Eliminating Discrimination And Denial Of Services On The Basis Of Race, Color, National Origin, Sex And Handicap.⁵ The vocational education sex equity SEA staff were explicitly funded by the Carl Perkins Vocational Education Acts and they also administered gender equity programs throughout the state.

Although a Title IX coordinator can be any person within an organization or school district, the responsibility often is assigned to school administrators. Various schools and districts have different rules regarding who can be the Title IX coordinator. New Jersey requires the Title IX coordinator or affirmative action officer to be a member of the professional staff, of those who are certificated. Montana encourages the appointment of both female and male Title IX coordinators at each school.

In some institutions teachers may be ineligible to be Title IX coordinators because of union rules prohibiting the evaluation of teachers by other teachers. Some districts assign the Title IX coordinator and the Section 504 coordinator responsibilities to the same person. Section 504 is similar to Title IX except that it prohibits discrimination based on disability rather than gender. Regulations for each require a coordinator.

It is generally recommended that the Title IX coordinator not be the athletic director or the superintendent because the Title IX coordinator is often responsible for handling allegations of

⁵ The link to these vocational education guidelines is: <http://www.ed.gov/about/offices/list/ocr/docs/vocre.html>. It is possible for the same person to hold all three related gender equity positions.

sex discrimination against the athletic department. Regardless of who is appointed as Title IX coordinator, the position is almost always a part-time addition to the person's regular job duties.

Even at the SEA level, the majority of Title IX coordinators report spending 10% or less of their time on their Title IX coordinator responsibilities. From 1976 to 1997, Title IV of the Civil Rights Act of 1964 provided funds to SEAs to administer race, national origin, and gender equity (Title IX coordinator) programs. At that time there were many states that had full-time Title IX Coordinators. With the elimination of these funds for SEAs by Congress in 1996, no SEA now has a full time Title IX coordinator.

Civil Rights Act Title IV funds still support gender equity staff and programs at ten regional equity assistance centers across the nation.⁶ These equity assistance centers are available to provide resources and assistance to Title IX coordinators, both at the state and district level.

Prevalence of Title IX Coordinators

The 1975 Title IX Regulations require that each educational recipient of federal financial assistance designate a Title IX coordinator. While no studies have determined the number of Title IX coordinators in the U.S., it is clear that a large number of institutions are not in compliance with this Title IX requirement.

The following is a list of many of the institutions that are required to have Title IX coordinators and the approximate number of Title IX coordinators they would employ.

- Every State Education Agency (SEA) (50, plus the District of Columbia and U.S. Territories.)
- Approximately 17,000 school districts and 94,000⁷ public schools.⁸
- Over 27,000 private primary and secondary schools⁹ (However, not every private primary and secondary or charter school receives direct or indirect federal financial assistance, and thus not all would be required to designate a Title IX coordinator or comply with Title IX.)
- Nearly 10,000 postsecondary institutions¹⁰
- A number of federal contracts or grants relating to education.

⁶ <http://www.edgateway.net/pub/docs/eacn/home.html>

⁷ The Common Core of Data (CCD), a program of the U.S. Department of Education's National Center for Education Statistics: <http://nces.ed.gov/ccd/>.

⁸ These numbers are debatable depending on the interpretation of "recipient of federal financial assistance." Some argue that individual schools are legally required to have Title IX coordinators since all institutions receiving federal financial assistance are required to fully comply with Title IX. Most agree that it is desirable to have well informed Title IX coordinators at all sites.

⁹ U.S. Network for Education Information, a program of the U.S. Department of Education: <http://www.ed.gov/about/offices/list/ous/international/usnei/us/edlite-inst-pubpriv.html>.

¹⁰ "Postsecondary Institutions in the United States: 1997-98." National Center for Education Statistics: <http://nces.ed.gov/pubs99/1999174.pdf>.

Depending on interpretations of entities counted as recipients of federal financial assistance, there should be between 50,000 and 150,000 Title IX coordinators across the United States in educational institutions alone.

Title IX Coordinators: Progressing and Regressing

In the past, Title IX coordinators were active in instituting change toward gender equality in their institutions. State Title IX coordinators organized state networks, on-site visits to review compliance with Title IX, and training programs often supported by federal funding. However, in recent years, Title IX coordinators, where still present, have been given little attention by public officials, and many institutions have been failing to appoint a Title IX coordinator altogether.

In 1997, the U.S. Department of Education's Office for Civil Rights (OCR), which is responsible for monitoring compliance with Title IX in institutions that receive financial assistance from ED, sent letters to State and Local Education agencies reminding them of their obligation to designate and train a Title IX coordinator.¹¹ Yet in an investigation by the *Pittsburgh Tribune* in 2001, coordinators in its area were unaware they were the coordinators, had not been trained to be coordinators, and were rarely consulted when the school made decisions concerning Title IX.¹² A similar investigation by the *Chicago Daily Herald* in 2002 revealed that only six of 17 suburban districts contacted by the paper could direct the caller to the Title IX coordinator.¹³ When OCR conducted its own compliance investigations in areas such as sex discrimination in vocational education or sexual harassment, it often found that the recipient institution facing these other charges also lacked a Title IX coordinator.

The courts have consistently held that the coordinator provision of Title IX must be followed. In *Gebser v. Lago Vista Independent School District* (June 22, 1998), the United States Supreme Court ruled that a plaintiff can sue for monetary damage under Title IX if the school official or officials who are responsible for taking action for Title IX complaints deliberately fail to do so.¹⁴ While courts have not ruled specifically on what standards constitute "indifference" to complaints, factors that may constitute deliberate indifference could include failure to appoint a Title IX coordinator.¹⁵ Additionally, in Cape Cod Community College OCR Case No. 01-93-2047, the college was found to have violated Title IX in part because the person identified by the school as the Title IX coordinator was unfamiliar with Title IX, had no training, and did not even realize he was the coordinator.¹⁶

¹¹ See letter at: <http://www.emsc.nysed.gov/workforce/civilrights/TitleIX_Coord.html>.

¹² Tribune-Review. "Federal law routinely ignored." *Pittsburgh Live*. May 22, 2001. <<http://www.pittsburghlive.com/x/tribune-review/specialreports/titleix/federallaw.html>>.

¹³ Dillon, Naomi. "Many schools districts stumped about their Title IX Coordinator." *Daily Herald*. December 3, 2002. <<http://www.dailyherald.com/special/titleix/story08.asp>>.

¹⁴ For full ruling see <<http://supct.law.cornell.edu/supct/html/96-1866.ZS.html>>.

¹⁵ Wu, Yolanda. "Trends in Sexual Harassment Litigation Under Title IX." WEEA Digest. Excerpts posted online February 9, 1999. <<http://www.edc.org/WomensEquity/edequity99/0003.html>>.

¹⁶ Department of Education. *Sexual Harassment Guidance: Harassment of Students by School Employees; Notice*. October 4, 1996. <<http://www.ed.gov/legislation/FedRegister/other/1996-4/100496c.html>>.

In response to overwhelming information that schools were not appointing coordinators and to a request from some members of the National Coalition for Women and Girls in Education (NCWGE), OCR sent a second letter on April 26, 2004, again reminding state education agencies and local school districts to remind them of their obligation to comply with the coordinator provision of Title IX.¹⁷ OCR sent a similar “Dear Colleague” letter to postsecondary institutions on August 4, 2004 to follow-up on additional suggestions from NCWGE representatives. OCR reported that in response to the April 2004 letter, the office received many calls from institutions desiring information on designating and training Title IX coordinators.¹⁸

Due to the overwhelming lack of knowledge of Title IX coordinators, the National Coalition for Women and Girls in Education (NCWGE) distributed surveys to be completed by State Title IX coordinators in hopes of learning more about the position and the resources available to these coordinators. With 20 state Title IX coordinators responding, the evidence clearly indicates that even at a state level, Title IX coordinators are undervalued, underutilized, and under funded. Although as recipients of federal financial assistance, SEAs are supposed to have a Title IX coordinator, only 5 of the 20 survey respondents indicated that they dedicate more than 10% of their time to Title IX duties and only two said they received minimal funds to carry out Title IX programs. Seven said that they had a statewide network of local school district Title IX coordinators, and two more said this was being developed. Twelve of these coordinators have shown a commitment to educational equity by their membership in educational equity organizations, but five indicated that no information on Title IX was posted on their agency’s website. Overall, SEA Title IX coordinators who responded to the survey, showed a high interest in educational equity but indicated a lack of support and resources necessary to carry out their job as effectively as possible.

More information is still needed on Title IX coordinators at State Education Agencies, local districts, post secondary institutions, early educational programs, and out of school programs including museums, scientific laboratories and other entities receiving federal funding for education programs or activities from agencies such as the National Science Foundation and the U.S. Department of Labor.

Why we need Title IX coordinators and what we can do to help?

Despite the progress in education equity in the past 30 plus years since passage of Title IX, there is clear evidence that the work of persons such as the Title IX coordinators is still necessary. A study by Karen Zittleman showed that few students or teachers knew anything about Title IX, and those who had some conception of Title IX mainly thought that it just covered athletics.¹⁹ If students and teachers are unaware of Title IX and its application to their school, it becomes difficult for students or teachers to recognize sex discrimination and work to end it. This is where the position of a Title IX coordinator can be useful, as the Title IX coordinator is often responsible for disseminating information about Title IX, providing programs and trainings for staff and faculty, and instituting self assessments or monitoring.

¹⁷ See the letter at: <http://www.ed.gov/about/offices/list/ocr/responsibilities_ix.html>.

¹⁸ See notes from meeting with Sandra Battle and other OCR staff in the U.S. Department of Education on June 15, 2004.

¹⁹ We are grateful to Karen Zittleman, a Doctoral candidate at American University, for her help in this area.

One of the key projects to recruit and provide support to Title IX coordinators is the development of a Network of Title IX coordinators and their equity allies, called the **Title IX Action Network**. This project, led by the Feminist Majority Foundation, aims to provide greater resources to Title IX coordinators so that they may resume the progress toward gender equality. This Network will facilitate awareness and use of Title IX protections against sex discrimination by increasing the numbers, responsibility, and effectiveness of Title IX coordinators and their equity allies. Related activities will educate the participants in this Network and the public about how to achieve gender equity in and through education. It will also capitalize on federal, state, and local responsibilities to assure gender equity and other civil rights in education and help everyone understand what their rights are and why they are still critically important in the U.S. Network participants will be able to communicate with their peers and others in the Network and to share resources and experiences. In addition to learning about Title IX themselves, the Title IX gender equity coordinators would be able to educate their colleagues, students, and community members.

Teachers, administrators, academic scholars, concerned parents, and others interested in gender equity can volunteer to help create and foster this Network. Go to <http://www.feminist.org/education/TitleIXActionNetwork.asp> for more information and write to Dr. Sue Klein, Education Equity Director, Feminist Majority Foundation, education@feminist.org with your suggestions.

What can individuals do?

In addition to joining the Title IX Action Network, individuals can do many things to support and foster the work of Title IX coordinators.

1. Find out who the Title IX coordinators at your state, local school district or school are.
 - a. Call the institution and ask if they can direct you to them.
 - b. If the institution does not have one, ask them to appoint a coordinator.
 - c. Find interested educators who may volunteer for the position.
2. Look in the school/school district/SEA handbook and website for information on Title IX and the Title IX coordinator(s). Contact information for each Title IX coordinator is mandated by law, so the information should be posted in an easily accessible location to students, parents, and teachers.
 - a. Title IX mandates that the institution must provide students and employees with the name, number, and address of the Title IX coordinator.
 - b. If the information is not present, lobby the institution to include it. If they refuse, file a complaint.
 - c. Also, look to see if information on Title IX and how to file local complaints is easily accessible and if training is provided to staff, students, and others on rights to non-discrimination on the basis of sex.

3. Ask the school or PTA²⁰ to prepare publications for students, parents and teachers about:
 - a. rights under Title IX as well as related state and school policies designed to combat sex discrimination and gender related inequities. They could include simplified guidance on the Title IX regulations, information on the Title IX coordinator, and procedures on how to file a complaint.
 - b. progress and continued challenges since the school's last assessment of compliance with Title IX
4. Do research on Title IX coordinators to learn more about their history, needs, prevalence and strategies for continuing progress toward eliminating sex discrimination in education in their local sites and as part of the Title IX Action Network.
5. Participate in the Title IX Action Network activities to influence federal, state, and other public and private institutions to take responsibility for full enforcement of Title IX including the full implementation of the Title IX coordinator provision of the Title IX regulations.

Qualifications the Title IX Coordinator should have:²¹

1. A commitment to educational equity
2. In-depth knowledge of the Title IX regulations and any pertaining state laws/rules/regulations/codes
3. Thorough knowledge of internal grievance procedure and avenues of appeal
4. Knowledge of personnel policies and practices of the district or institution and student programs and related policies and practices
5. Ability to design, implement, monitor and report on compliance activities and make recommendations for actions needed to be and remain in compliance
6. Ability to communicate the district's/institution's activities to foster equitable environments for all students and personnel

Duties and responsibilities of the Title IX coordinator can include:

²⁰ You can find contact information for your local and state PTA at www.pta.org/aboutpta/ptacommunity/index.asp

²¹ Qualifications, duties, and responsibilities of the Title IX Coordinator are adapted from "Title IX Coordinator Job Description" by the Illinois State Board of Education: Educational Equity <<http://www.isbe.state.il.us/equity/coordinator.htm>> and "Title IX Coordinator Roles and Responsibilities: Local School Districts" by the National Association for Multicultural Education <<http://www.nameorg.org/resources/Title%20IX%20Coordinator%20Roles%20and%20Responsibilities4.doc>>.

1. Understand Title IX
 - a. Ensure that procedural requirements of Title IX and any pertaining state laws/rules are being met
 - b. Develop a working knowledge of Title IX
 - c. Have a copy of Title IX available and understand requirements
 - d. Keep informed of current research and legal and judicial decisions related to Title IX and gender equity
2. Ensure the organization is complying with Title IX
 - a. Monitor the scheduling in each organization to ensure that there are no sex-segregated classes or activities except those allowed under the Title IX exemptions.
 - b. Review organization policy to ensure that it is not discriminating based on sex
 - c. Ensure that information about the recipient institution, counseling practices and other practices, and tests are non-discriminatory
3. Coordinate the grievance procedure for complaints involving Title IX.
 - a. Assist students/parents in filing grievance complaints
 - b. Investigate or arrange for the investigation of grievance complaints
4. Work to decrease sex discrimination in the organization
 - a. Provide technical assistance to other organization personnel
 - b. Provide or arrange for program development (including in-service training) to eliminate sex discrimination and to promote gender equity
 - c. Find and implement programs to prevent sexual harassment and discrimination
 - d. Conduct student surveys to determine athletic interest in male and female students and ensure that budget and participation are proportionate for both sexes

Several plans have been discussed for both increasing the number of Title IX coordinators and for providing them with the appropriate resources to carry out their job effectively.

1. "Toolkit" for Title IX coordinators
 - a. Identify and update Title IX manuals describing the law and the coordinator position and how to do it.
 - i. suggestions for how to apply Title IX to specific situations
 - ii. suggestions for ensuring organization compliance with Title IX

- b. Title IX guidance handbook (available for coordinators and parents)
 - c. Manual for organizations on how to find/institute a coordinator
2. Online network for Title IX coordinators.
 - a. Include information on Title IX, the position, etc.
 - b. Maintain a list of Title IX coordinators²²
 - c. Allow for Title IX coordinators to communicate with each other.
3. Online course to train Title IX coordinators.²³
4. District or statewide Title IX coordinator trainings.
6. Develop a brief pamphlet explaining position/responsibilities of the Title IX coordinators.
7. Ask organizations to include information on Title IX and the coordinators in their organization or institutional handbook. For example disability rights organizations can explain the relationship of sex discrimination to disabilities discrimination and how both can be combated simultaneously.
8. Ask press organizations to do articles on Title IX coordinators and the presence or lack thereof in institutions that receive federal financial assistance.

²² While the Dept. of Education asserted that a list of all TIX Coordinators would be an a very difficult and unlikely way for the federal government to share information about Title IX coordinators, some states have already made public listings available on their website. See Connecticut's example at http://www.state.ct.us/sde/dtl/cert/titl9/t9coord_main.htm.

²³ An online Title IX training was previously available at the WEEA website <http://www.edc.org/WomensEquity/service/courses.htm>, but is no longer available since the Department of Education decided to end funding of the WEEA Equity Resource Center in 2003.

Questions and Answers Regarding Title IX Procedural Requirements
<http://www.usdoj.gov/crt/cor/coord/TitleIXQandA.htm>

Title IX of the Education Amendments of 1975, as amended, is a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity. In addition to traditional educational institutions such as colleges, universities, and elementary and secondary schools, Title IX also applies to any education or training program operated by a recipient of federal financial assistance. Many of these education program providers/recipients became subject to Title IX regulations when the Title IX final Common Rule was published on August 30, 2000. All federal agencies that provide funding for any education or training programs have new responsibilities in ensuring that their recipients comply with the nondiscrimination mandate of Title IX and its procedural requirements by establishing a method for receiving and resolving sex-based discrimination complaints. Listed below are questions and answers regarding some of the basic procedural requirements. For a more comprehensive overview, refer to the Title IX Final Common Rule for 21 Federal agencies: Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance (65 Fed. Reg. 52857).

DESIGNATION OF TITLE IX COORDINATOR*

The Title IX coordinator is the responsible employee of the recipient with major responsibility for Title IX compliance efforts. The Title IX coordinator's responsibilities are critical to the development, implementation, and monitoring of meaningful efforts to comply with Title IX. Therefore, Federal funding agencies must inform their recipients of the following obligations under the Title IX regulations:

Under the Title IX regulations, a recipient must designate at least one employee to serve as its Title IX coordinator. See 65 Fed Reg. 52867 at § .135(a). Ideally, this person may be the employee designated to handle Section 504 complaints. The recipient must notify all its students and employees, of the name, office, address, and telephone number of the employee(s) designated to serve as the Title IX coordinator.

Question 1: What are the responsibilities of the Title IX Coordinator?

The Title IX coordinator has a responsibility to coordinate the recipient's efforts to comply with its obligations under Title IX and the Title IX regulations. These responsibilities include coordinating any investigations of complaints received pursuant to Title IX and the implementing regulations.

Question 2: What factors should a recipient consider in designating a Title IX Coordinator?—the tasks and responsibilities relating to the implementation and administration of the grievance process, which include, but are not limited to:

- providing consultation and information regarding Title IX requirements to potential complainants
- distribution of grievance forms to potential complainants
- receipt of formal grievances and providing notification to complainants of receipt of the grievance

- scheduling grievance hearings
- moderation of grievance procedures
- notification to all parties regarding grievance decisions
- notification of complainants of the right and procedures of appeal
- monitoring compliance of all requirements and time-lines specified in the grievance procedures
- training of staff responsible for grievance procedures
- maintenance of grievance and compliance records and files
- provision of ongoing training, consultation, technical assistance, and information services regarding Title IX requirements, grievance issues, and compliance programs
- **the competencies and skills necessary for the effective administration of the grievance process and related activities, which include, but are not limited to:**
 - in-depth knowledge of the Title IX regulation
 - general knowledge of other federal and state non-discrimination laws
 - knowledge of the recipient agency’s Title IX grievance procedures
 - knowledge of personnel policies and practices of the recipient agency/institution
 - ability to prepare reports on the Title IX compliance activities and make recommendations for action by appropriate decision makers
 - ability to communicate effectively
 - ability to diagnose, clarify, and mediate differences of opinion
 - ability to establish a positive climate for Title IX compliance efforts
- **basic principles regarding the effective functioning of the Title IX coordinator within the structure of the recipient agency/institution, which cannot be effective unless:**
 - the functions and responsibilities of the Title IX coordinator are clearly delineated and communicated to all levels of the recipient agency/institution administration and to all employees and students

– the Title IX coordinator is provided all information and authority or access necessary to enforce compliance requirements