



Title IX




A HISTORY & OVERVIEW
OF THE FEDERAL
REGULATIONS AND STATE
LAW INTERACTIONS

PRESENTED BY:
ALEXANDRIA SALAS
DIRECTOR OF TITLE IX



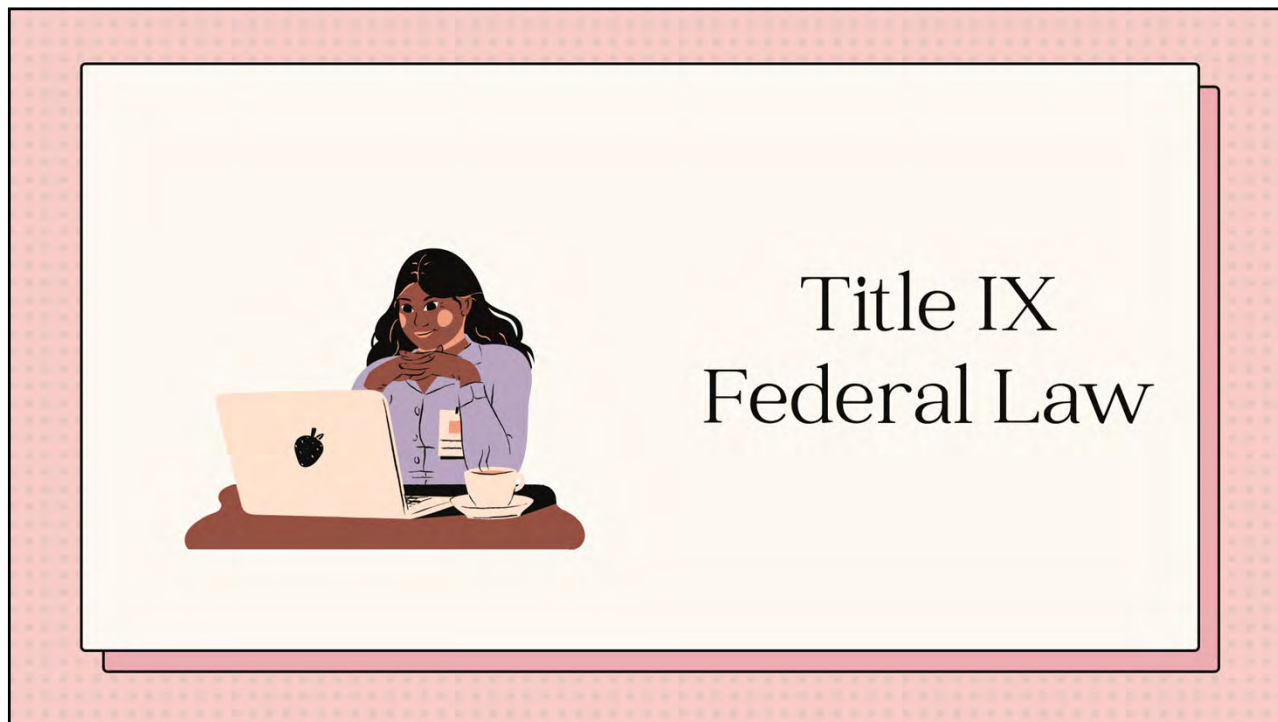
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Outline

- Overview of Title IX Federal Law
 - What is Title IX?
 - The History
 - What Title IX Covers
 - The Role of the Title IX Office
 - The Larry Nassar case
- Interaction with State law
 - The Baylor case
 - SB 212 & HB 1735 (TEC Chap. 51)
 - Questions

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A collage of three black and white photographs. The top left photo shows a group of women holding a large sign that reads "EQUALITY THE TIME IS NOW" with a female symbol. The top right photo shows a woman holding a sign that reads "MENS ATHLETICS SUPPORT TITLE IX". The bottom photo shows a woman smiling in front of the US Capitol building.

What is Title IX?

On **June 23, 1972**, President Richard Nixon signed an educational amendment to prevent sex discrimination in educational institutions.

"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."

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The History of Title IX

MAY 20, 1974

Sen. John Tower proposes the "Tower Amendment." Seeking to limit Title IX. It is rejected.

JULY 1974

Sen. Jacob Javits makes a second attempt to limit Title IX.

MAY 27, 1975

Pres. Ford signs final version of Title IX with Javits proposal and submits for congressional review.

JULY 8, 1975

Rep. James O'Hara introduces bill to amend Title IX. The bill dies in committee before reaching the House floor.

JULY 21, 1975

Congress reviews and approves Title IX regulations and rejects the resolutions and bills that had been advanced in an attempt to disprove the athletics regulations

FEBRUARY 17, 1976

NCAA files a lawsuit challenging the legality of Title IX. The suit would be dismissed in 1978

JULY 15, 1977

Sens. Tower, Dewey F. Bartlett, and Roman Hruska introduce S. 2106, proposing to exclude revenue-producing sports from Title IX coverage. The bill dies in committee before reaching the Senate floor

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The History of Title IX (Cont.)

JULY 21, 1978

Deadline for high schools and colleges to comply with Title IX athletics requirements.

DECEMBER 11, 1979

HEW issues final policy interpretation on "Title IX and Intercollegiate Athletics." Also establishes the 3-prong test.

MAY 4, 1980

U.S. Dept. of Ed begins operating and is given oversight of Title IX through the Office for Civil Rights (OCR).

FEBRUARY 28, 1984

Grove City v. Bell limits the scope of Title IX.

MARCH 22, 1988

The Civil Rights Restoration Act of 1987 enacted and effectively reverses Grove City v. Bell and restores Title IX.

SEPTEMBER 6, 1988

Haffer v. Temple University - TIX Athletics lawsuit strengthens Title IX.

APRIL 2, 1990

V. Bonnette and L. Daniel author Title IX Athletics Investigator's Manual, issued by OCR and used to assist athletic depts. with enforcement and compliance issues.

FEBRUARY 26, 1992

In Franklin v. Gwinnett County Public Schools, the Supreme Court rules that monetary damages are available under Title IX.

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The History of Title IX (Cont.)

MARCH 1992

The NCAA completes and publishes a landmark gender equity study of its Division I member institutions, finding significant discrepancies in participation rates and funding between women's and men's athletic programs.

OCTOBER 20, 1994

The Equity in Athletics Disclosure Act (EADA) is officially enacted.

JANUARY 16, 1996

OCR issues a clarification of the three-prong test.

OCTOBER 1, 1996

All institutions of higher education must make available for the first time, to all who inquire, specific information on their intercollegiate athletics department, as required by the EADA.

NOVEMBER 21, 1996

A federal appeals court upholds a lower court's ruling in *Cohen v. Brown University*, holding that Brown University illegally discriminated against female athletes.

JULY 23, 1998

OCR issues a Dear Colleague letter clarifying that a college or university's total athletic scholarship budget must mirror the institution's percentage of athletes of each gender, within 1%.

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The History of Title IX (Cont.)

FEBRUARY 20, 2001

Supreme Court Upholds *Brentwood v. Tennessee Secondary School Athletic Association*.

DECEMBER 17, 2001

Communities for Equity v. Michigan High School Athletic Association is decided.

JANUARY 17, 2002

The National Wrestling Coaches Association, Committee to Save Bucknell Wrestling, Marquette Wrestling Club, Yale Wrestling Association, and the College Sports Council, file a suit alleging that Title IX regulations and policies are unconstitutional. It would be dismissed two years later.

JUNE 27, 2002

Sec. of Ed. Rod Paige announces the establishment of a Commission on Opportunities in Athletics.

OCTOBER 29, 2002

Title IX is renamed the "Patsy T. Mink Equal Opportunity in Education Act" in honor of its major author.

JULY 11, 2003

OCR issues "Further Clarification of Intercollegiate Athletics Policy Guidance Regarding Title IX Compliance."

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The History of Title IX (Cont.)

MARCH 17, 2005

ED issues "Additional Clarification of Intercollegiate Athletics Policy: Three-Part Test – Part Three," 25 significantly weakening Title IX.

APRIL 20, 2010

ED issues a policy guidance which rescinds the "Additional Clarification" and all related documents

APRIL 4, 2011

ED issues a policy guidance

APRIL 24, 2013

OCR issues a Dear Colleague letter reminding schools and institutions that retaliation is a violation of federal law.

JUNE 25, 2013

OCR issues a DC letter to improve the graduation rates of young parents at secondary schools and postsecondary institutions.

MAY 14, 2014

OCR issues DC letter that public charter schools subject to Title IX regs.

APRIL 24, 2015

OCR issues DC letter reminding schools they must designate a Title IX Coordinator.

MAY 13, 2016

ED and DOJ issue guidance on protecting transgender students under Title IX.

FEBRUARY 22, 2017

OCR rescinds Title IX guidance on transgender students

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The History of Title IX (Cont.)

SEPTEMBER 22, 2017

OCR withdraws policy guidance issued on April 4, 2011, which clarified that Title IX's procedures and protections against sexual harassment and sexual violence apply to all students, including athletes. This withdrawal has since been rescinded.

AUGUST 14, 2020

Sec. of Ed. DeVos enacts changes to Title IX regarding sexual harassment and misconduct that discourage reporting by survivors and stretch schools' resources.

AUGUST 26, 2020

OCR rescinds guidance on public charter schools and the requirement that schools have a designated Title IX coordinator.

JANUARY 20, 2021

President Joe Biden releases Exec. Order 13988, "Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation."

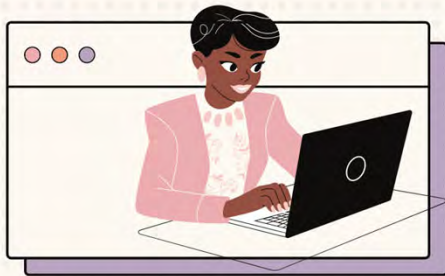
MARCH 8, 2021

President Biden releases Exec. Order 14021, "Guaranteeing an Educational Environment Free From Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity."

JUNE 16, 2021

ED issues an interpretation to clarify the protection against discrimination based on sexual orientation and discrimination based on gender identity under Title IX in light of the Supreme Court's decision in *Bostock v. Clayton County*.

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What does Title IX cover?

- Sex Discrimination
 - Pregnancy Discrimination
 - Athletics
- Sexual Misconduct
 - Sexual Harassment
 - Sexual Assault
 - Relationship Violence
 - Stalking
- Sexual Orientation Discrimination
 - Including gender identity

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- Investigate complaints of Sexual Misconduct
 - Ensuring a fair and impartial investigation.
- Provide Resources to Students & Employees.
- On-Campus Outreach & Events
- Provide Training for Students and Employees
- Provide & Create Educational Materials
- Ensure the University's continued compliance with State and Federal Law

The Role of the Title IX Office



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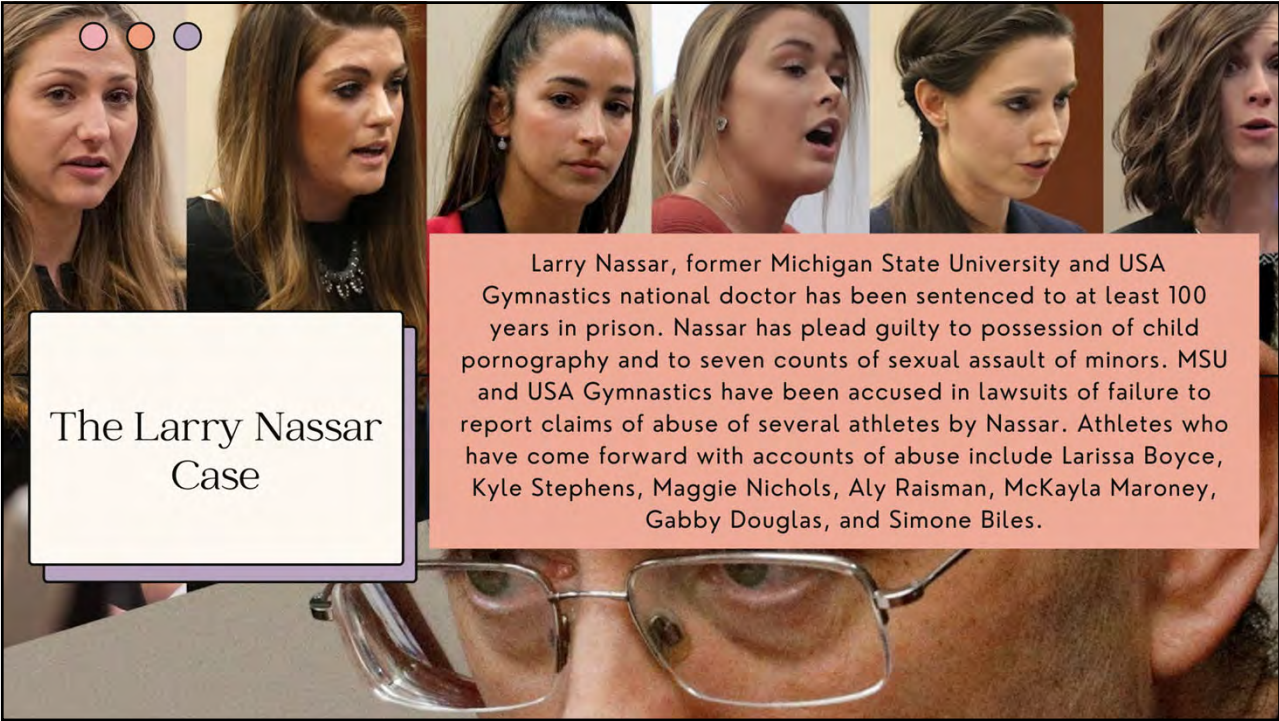
TITLE IX INVESTIGATION:

The Title IX Office investigates complaints of sexual misconduct and sex discrimination. The goal is to ensure that our campus is a safe campus. We will always attempt to conduct a fair and impartial investigation that is fair to all parties involved.



The illustration shows a presentation slide with the title "Investigating a Complaint". Below the title is an illustration of three people in a meeting. A woman in a purple top is standing and pointing to a pie chart on a screen. Two other people, a woman in an orange top and a man in a white shirt, are sitting at a table with papers, looking at the screen.

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The collage features several photographs of young women, likely athletes, and a close-up of a man wearing glasses. The man's face is partially visible at the bottom of the collage.

The Larry Nassar Case

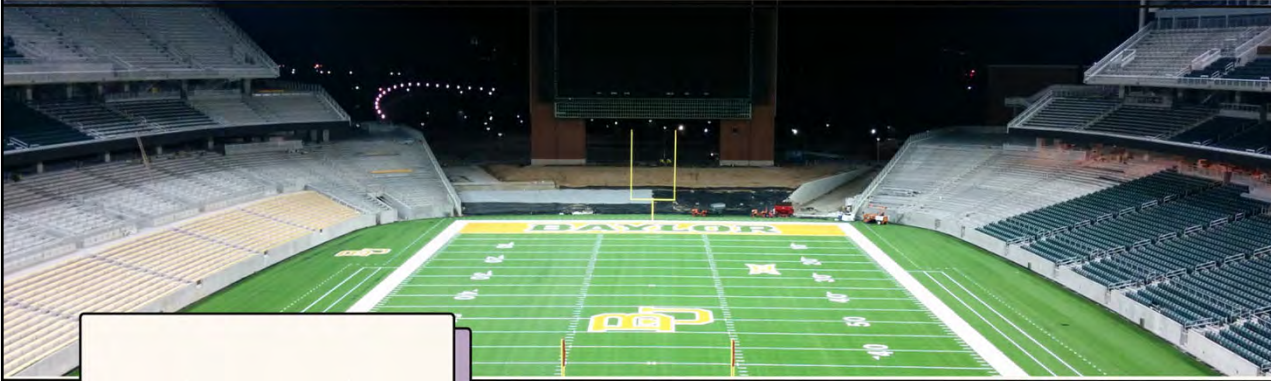
Larry Nassar, former Michigan State University and USA Gymnastics national doctor has been sentenced to at least 100 years in prison. Nassar has plead guilty to possession of child pornography and to seven counts of sexual assault of minors. MSU and USA Gymnastics have been accused in lawsuits of failure to report claims of abuse of several athletes by Nassar. Athletes who have come forward with accounts of abuse include Larissa Boyce, Kyle Stephens, Maggie Nichols, Aly Raisman, McKayla Maroney, Gabby Douglas, and Simone Biles.

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State laws on Sexual Misconduct

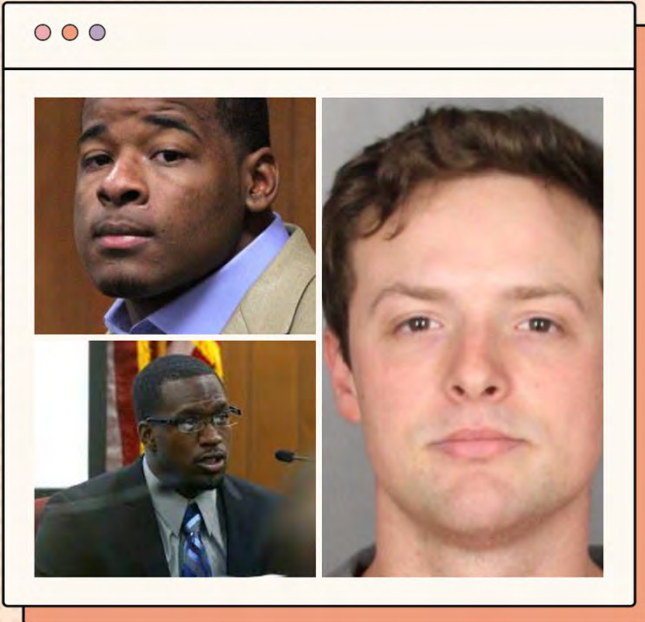
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The Baylor Case

In the early 2010s, several Baylor University football players and other male students were accused of sexually assaulting women.

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Football players, including Tevin Elliott and Sam Ukwuachu, were convicted and sentenced to time behind bars. Another student who was not on the football team, former fraternity president Jacob Walter Anderson, pleaded guilty to unlawful restraint and received deferred probation.

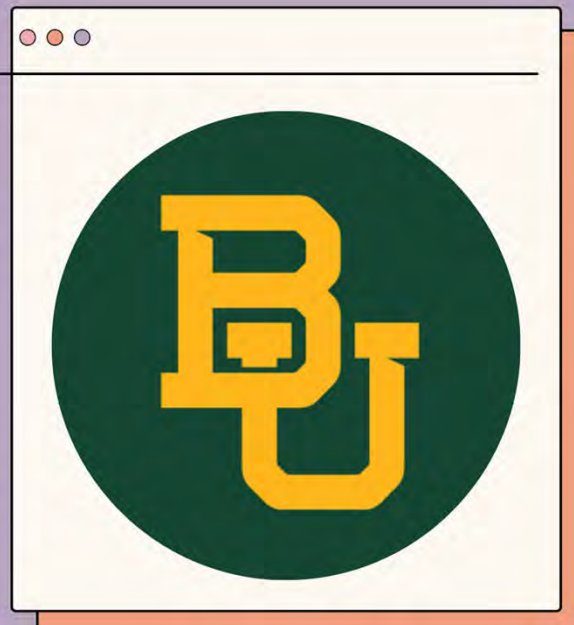
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TITLE IX REVIEW

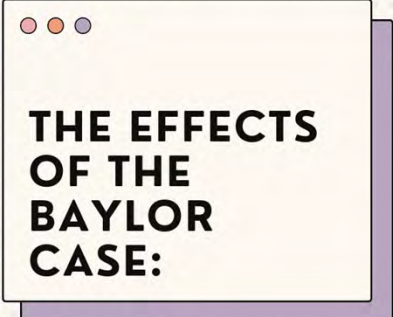
As a pattern emerged, Baylor hired the law firm Pepper Hamilton to review how the university responded to reports of sexual violence. The firm's report concluded that Baylor failed to properly implement Title IX, which bars sex discrimination in education, and that some officials discouraged complaints, even retaliating against those who lodged them.

THE OUTCOME

The school fired Art Briles, then head coach of the football team. Later, Baylor University President Ken Starr — known for leading the Whitewater investigation involving the Clinton family in the 1990s — also resigned due to the sexual assault scandal.



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THE EFFECTS OF THE BAYLOR CASE:

New State Laws (Enacted September
2019, Effective January 2020)

SENATE BILL 212: TEC CHAPTER 51 SUBCHAPTER E-2

- Mandatory Reporting
- Administrative Reporting Requirements
- Immunities
- Failure to Report/False Reports
 - Criminal Offenses
- Retaliation prohibited

HOUSE BILL 1735: TEC CHAPTER 51 SUBCHAPTER E-3

- Sexual Misconduct Policy Changes
- Electronic Reporting
- Amnesty for Students Reporting certain incidents.
- Victims request not to Investigate
- Trauma Informed Investigation Training
- MOU's
- Responsible and Confidential Employees
- Confidentiality

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Thank
You



Questions?



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