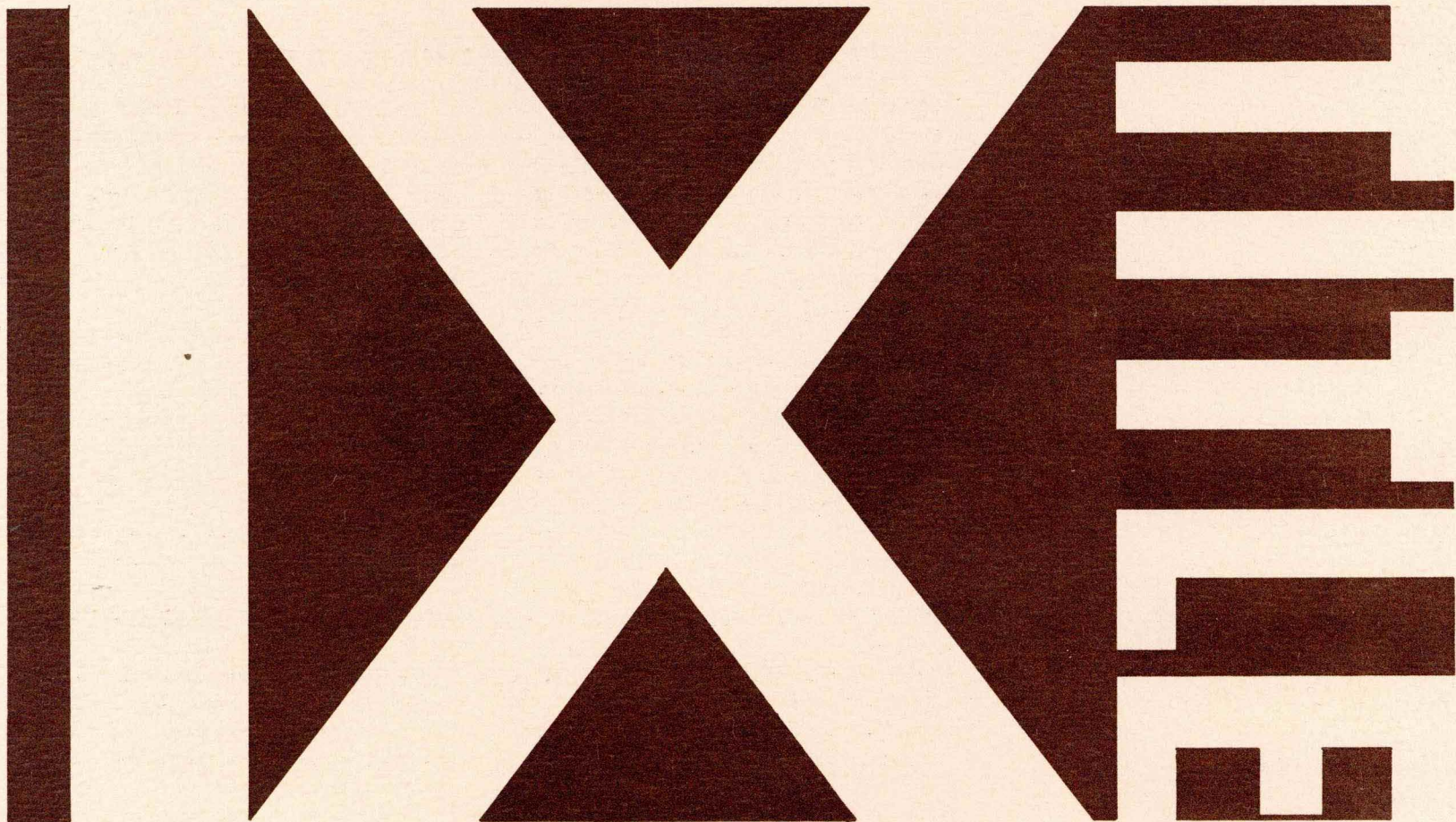


IOWA COMMISSION ON THE STATUS OF WOMEN





## WHAT IS TITLE IX?

Title IX is a Federal law prohibiting sex discrimination in education programs and activities receiving federal funds. It was passed in 1972 as part of the Education Amendments to the Elementary and Secondary Education Act of 1965, P.L. 92-318 (1972).

Although passed in 1972, three years elapsed before the Department of Health, Education, and Welfare (HEW) released final regulations interpreting Title IX. During that period, many individuals and groups commented on different drafts of the regulations. Most comments concerned sex discrimination in athletics and physical education and a sizable number protested sex stereotyping in curricular materials.

Final regulations appeared in *The Federal Register* on June 4, 1975 (pages 24128-24145), and became effective July 21, 1975.

## WHO IS COVERED BY TITLE IX?

Title IX applies to all educational institutions receiving federal funds. It covers every program or activity operated or sponsored by the recipient of federal funds whether or not that specific program or activity directly received the funds. Most educational institutions receive some federal funds.

Two over-all exemptions are possible under Title IX. Military service academies are entirely exempt and institutions controlled by religious organizations are exempt to the extent compliance would be inconsistent with religious tenets. (A separate law (P.L. 94-106) has since required military service academies to admit members of both sexes.)

## WHAT DOES TITLE IX COVER?

Title IX covers all programs and activities of educational institutions. Specified areas include: admissions and recruitment, treatment of students, relationship to out-



side organizations, financial aid, facilities, and employment.

#### • Admissions and Recruitment

Sex-based quotas, separate-sex ranking of applicants, and sex-biased tests or selection criteria are specifically prohibited. Institutions may not discriminate on the basis of an applicant's marital, parental, or pregnancy status. Pregnancy and related disabilities are to be treated in the same way as any other temporary disability or physical condition.

In general, comparable efforts must be made to recruit members of both sexes. But additional efforts for one sex must be taken to remedy the effects of previous discrimination and are allowed to comply with affirmative action programs.

A special exemption is allowed for *the admissions requirement only*: Preschools, nonvocational elementary and secondary schools, single-sex public undergraduate institutions, and private undergraduate

institutions are exempted from the admissions requirement. Once a single-sex institution admits a person of the opposite sex, no form of differential student treatment is allowed. *All schools must treat admitted students without discrimination on the basis of sex.*

Professional and vocational schools and single-sex graduate schools have until July 1979 to achieve nondiscriminatory admission policies and practices, unless these institutions are implementing a transition plan which is approved by the U.S. Commissioner of Education. The deadline for transition plans is June 23, 1979.

#### • Treatment of Students

Under Title IX equality in treatment includes but is not limited to: access to and participation in courses and extra-curricular activities; eligibility for and receipt or enjoyment of benefits, services, and financial aid; and use of facilities.

Course content must be comparable. With the following four exceptions, *all classes must be coeducational*:

1. *Health education classes at the elementary and secondary level may be separate for males and females when the material deals exclusively with human sexuality. At all other times, health education classes are to be coeducational.*

2. *Physical education classes may be single-sex only during units in contact sports. Title IX defines a contact sport as any activity whose major purpose involves bodily contact. Examples include: boxing, wrestling, rugby, ice hockey, football, and basketball. The regulations contain an option for including other sports in the contact sports category. Separation during contact sports does not permit a difference in courses offered. If males are offered football courses, the classes must be offered to females either separately or with the males. Classes may be grouped by ability as determined by objective performance standards. All non-contact physical education classes must be coeducational.*

3. *Athletic and intramural programs may be operated under a "separate-but-*



*equal" doctrine.* An institution may not discriminate on the basis of sex in providing necessary equipment and supplies or in any other way, although equal aggregate expenditures are not required. Items considered in assessing equality in athletic programs include:

- selection of sports that reflect the interests and abilities of both sexes
- provision of supplies and equipment
- game and practice schedules
- travel and per diem allowances
- coaching and academic tutoring opportunities and assignment and pay of the coaches and tutors
- locker rooms, practice and competitive facilities
- medical and training services
- housing and dining facilities and services
- publicity

Single-sex or coed teams are allowed for contact sports. Whether contact or non-contact, separate teams must be provided if student interests and abilities warrant them. If either sex's previous athletic

opportunities have been limited at the institution, these individuals must be allowed to participate on teams for the other sex, if none are available for their own sex, and separate teams must be provided if a sufficient number of students want separate teams. This applies whether the sport is contact or noncontact.

In noncontact sports, coed teams are allowed but simply opening all-male teams to females may not satisfy Title IX provisions. If few or no females are capable of making the team, the needs and interests of the females have not been met, and the school is denying equal opportunity.

4. *Single-sex participation can legally be allowed in choirs and vocal groups.* But standards for selection must be based on vocal range and not arbitrarily on sex. Comparable opportunities for students of both sexes must be provided.

Equality in student treatment also requires comparable medical and insurance policies and counseling services for males and females. (Different testing, guidance,

and counseling materials for males and females are prohibited unless the different materials cover the same areas and are used to eliminate sex bias.) Care must be taken to assure that students are not counseled to enroll solely in traditionally male and female career development courses.

#### • **Relationship to Outside Organizations**

Significant assistance to any organization, agency, or person that discriminates on the basis of sex is prohibited. Assistance may include faculty sponsors, use of facilities and administrative staff. If school facilities were used for a city recreation program for males and no comparable program was available for females, the school could be violating Title IX. Exemptions are made for the membership practices of social fraternities and sororities, YMCA, YWCA, Girl Scouts, Boy Scouts and certain voluntary youth services organizations.

#### • **Financial Aid**

All scholarship, loan, work-study, and grants-in-aid programs must be equally available to both sexes. Sex-restrictive



scholarships are allowable only if used from a "pooled" package of scholarship money. There would have to be a similar "pool" of monies for the opposite sex. If athletic scholarships are available to males, they must be available to females. Initially, scholarship recipients must be chosen without considering sex and subsequently sex-restrictive scholarships may be applied from the "pool".

#### • Facilities

All facilities must be equally accessible to both males and females. Separate-sex housing, locker rooms, toilets, and showers are allowed, but these facilities must be comparable for both sexes. Availability, operational rules, and cost of housing must be comparable for both sexes. Different curfews and requirements for off-campus housing for each sex are prohibited.

#### • Employment

Title IX covers all employees, both full and part-time, including student employees, in all educational institutions. Employment criteria, recruitment, compen-

sation, fringe benefits, advertising, and pre-employment inquiries are specifically covered.

An institution may not limit, classify, or segregate jobs by sex, with the exception of locker room and restroom supervisors. Job advertisements, application forms, and applicant placement must not be discriminatory.

An employer must provide equal fringe benefits for both sexes. Either equal periodic benefits or equal contributions for each sex are required. Different retirement ages for males and females are prohibited.

Marital, family, or parental status, either present or potential, may not be used as an employment consideration. Discriminating in employment on the basis of pregnancy or related conditions is prohibited. Pregnancy and related conditions must be treated as any other temporary disability. If no temporary disability policy is available, pregnancy and related conditions must qualify for leave without pay and a guaranteed return to a job of the same or comparable status.

## WHAT IS NOT COVERED BY TITLE IX?

Title IX does not cover curriculum and textbook materials. Many women's groups asked that the use of sex-biased and sex-stereotyped materials be prohibited. HEW declined to include such a section, claiming that it would be an infringement of First Amendment Rights regarding Freedom of Speech. HEW acknowledged that sex bias in educational materials did constitute a serious problem but, urged that it be dealt with on the local level.

## WHAT MUST SCHOOLS DO TO COMPLY?

In every area except physical education and athletic programs, compliance is retroactive to June 23, 1972, the date Title IX became law. In the areas of physical education and athletic programs, elementary schools had until July 21, 1976 to come into full compliance and



secondary and post-secondary schools have until July 21, 1978 to comply. Immediate actions required of all institutions are:

1. Conduct a self evaluation to identify sex discrimination by July 21, 1976. Although schools are not required to submit the evaluation to HEW, they must keep it on file for three years. Interested citizens should request to see the evaluation and urge that it be made public.

2. Designate at least one employee to serve as Title IX coordinator. All students and employees must be notified of this appointment.

3. Establish and publish grievance procedures for students, employees, and parents who have complaints under Title IX.

## HOW IS TITLE IX ENFORCED?

Title IX is enforced by the Office of Civil Rights of the Department of Health, Education, and Welfare. If an institution does not comply, HEW has the power to delay awards of money, revoke current awards, or

debar institutions from eligibility for future awards. In addition, the Department of Justice may bring suit at HEW's request.

Individuals and organizations may challenge any sex discriminatory practice or policy of an educational institution by filing a complaint with the local institution's Title IX compliance officer or by writing a letter of complaint to the Secretary of Health, Education, and Welfare, Washington, D.C. 20202 or to the Regional Office for Civil Rights, 1150 Grand Ave. 7th floor, Kansas City, Missouri 64106.

## WHAT CAN INDIVIDUALS DO TO IMPROVE EDUCATIONAL EQUALITY?

1. Examine current materials, textbooks, and library resources for sex bias and point out such biases to school officials.

2. Urge local curriculum selection committees to prohibit future selection of

sex-biased materials. Urge the State Department of Public Instruction to formulate regulations regarding the choice of materials. The Department of Public Instruction in Iowa has published a pamphlet, *Guidelines on Multi-Cultural Non-Sexist Curriculum*, available from DPI, Grimes Bldg., Des Moines, Iowa 50319.

3. Urge the school district to publish its plans for correcting sex discrimination in the district.

4. Bring to the attention of school officials areas in which there is discriminatory treatment of the sexes.

5. Request that a committee of students, teachers, and community representatives be appointed to monitor and eliminate sex bias.

6. Look for the subtle areas of discrimination: the composition and activities of lettermen's clubs, cheerleaders, pep clubs, and booster clubs; the availability and dissemination of material on athletic scholarships for women; post-season honors and awards for male and female athletes, and so on.

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## FOR MORE INFORMATION

More information may be obtained by contacting your attorney or:

Iowa Commission on the Status of  
Women  
507 10th Street  
Des Moines, Iowa 50319

U.S. Department of Health, Education,  
and Welfare  
Washington, D.C. 20202

Hew Regional Office of Education  
Federal Building  
601 E. 12 St.  
Kansas City, Missouri 64106

Iowa Civil Rights Commission  
Liberty Building  
Des Moines, Iowa 50319

Office of the Iowa Attorney General  
State Capitol Building  
Des Moines, Iowa 50319

Iowa Department of Public Instruction  
Grimes State Office Building  
Des Moines, Iowa 50319

