Title IX –

Title IX prohibits educational institutions from using a student’s gender to deny him/her participation in, or benefits of, activities offered at school. Many recent cases have been heard relative to colleges and high schools offering females too few athletic opportunities when compared to the opportunities offered to males. In Cohen vs. Brown University, it was revealed that females were offered 36% of the athletic opportunities males were, and eventually, two women’s sports were demoted to donor-funded status. This demotion resulted in an elimination of staff, resources, and competition abilities for the two teams and the court ruled that under Title IX, they were to be reinstated.

In the ongoing case of Communities for Equity vs. Michigan High School Athletic Association, students and parents claim that the scheduling of high school sports is discriminatory in that it requires females to play in poor weather conditions and untraditional seasons. The poor weather conditions, according to CFE, negatively affect the girls’ quality of play, thereby negatively affecting the impression given college recruiters, and ultimately denying the girls the benefits of the school activity. While just last year, the complainants were granted class certification, it is unclear to me what the current status of the case is.

While the provision of equitable academic and athletic opportunities has large implications for school leaders and athletic directors, it is the sex-related arm of Title IX that is most relevant to me. In Gebser vs. Lago Vista Independent School District, a high school student who had been involved in a sexual relationship with her teacher was not able to receive monetary damages because the school was not aware of the relationship. In fact, there were apparently no policies and procedures in place at the local school for reporting sexual harassment from teacher to student. After reading this case, I am grateful for the long, tedious meetings we have at the beginning of each school year regarding appropriate teacher/student relationships, the somber pledges we all sign, and the mandatory reporting we all agree to. As leaders, we have a great responsibility to keep our students safe and to not ignore even the most improbable hint that a student is being victimized. Title IX keeps the spotlight on an ugly and uncomfortable issue and holds us all accountable for maintaining a wholesome, safe environment for our students.

Arguably the type of sexual harassment most often seen in schools occurs between student and student. At my middle school, we had several cases of it just this past year. It is the reason I read with great interest the case of Davis vs. Monroe County Board of Education. In this case, a fifth grade female student was continually harassed by a male student and, unlike the Gebser case, the school knew about it. Despite their knowledge of the harassment, the school did not act until the aggressor pled guilty to sexual battery in another case. The Supreme Court heard the case and sided with the little girl because the prolonged abuse denied her the benefits of an education, as guaranteed by Title IX.

In a society increasingly bombarded by sexual images, and in which even elementary age students can be subjected to sexual harassment (by teachers and students alike), how do we best maintain faculty and staff awareness without scaring kids and discouraging teachers from developing healthy, close relationships with students?