

# TENNESSEE BOARD OF REGENTS

## TITLE IX FACT SHEET

### What is Title IX?

Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) was the first comprehensive federal law to prohibit sex discrimination against students and employees of educational institutions. It is one of several federal and state anti-discrimination laws that define and ensure equality in education. The regulations implementing Title IX (34 C.F.R. § 160.1 et seq.) prohibit discrimination, exclusion, denial, limitation, or separation based on gender. Title IX 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.* 20 U.S.C. § 1681.

### Who is protected under Title IX?

Title IX is applicable to men and women, boys and girls, staff and students in any educational institution that receives federal financial assistance. These include local school districts, colleges and universities, for-profit schools, libraries, and museums. Vocational rehabilitation agencies and education agencies of all 50 states, the District of Columbia, and U.S. territories and possessions are also included. Sports involving bodily contact are exempt from Title IX requirements, as are religious institutions if implementation of this law would violate their religious tenets. Title IX does not generally cover *private* educational institutions unless they receive federal financial assistance. Title IX also does not apply to admission to *private* undergraduate institutions.

### Does Title IX apply mostly to athletics?

Although it is the application of Title IX to athletics that has gained the greatest public visibility, the law applies to every aspect of education, including admissions and recruitment, comparable facilities for males and females, access to course offerings, access to schools of vocational education, counseling and counseling materials, financial assistance, student health and insurance benefits and/or services, housing, marital and parental status of students, physical education and athletics, education programs and activities, and employment. Title IX focuses attention on the legal requirements of institutions receiving federal financial assistance to provide equal athletic opportunities for females.

### Does Title IX benefit only women?

Title IX benefits everyone—girls and boys, women and men. The law requires educational institutions to maintain policies, practices, and programs that do not discriminate against anyone on the basis of gender (including policies that prohibit sexual harassment which is a form of discrimination on the basis of sex). Elimination of discrimination against women and girls has received more attention because females have historically faced greater gender restrictions and barriers in education. Continued efforts to achieve educational equity have benefited all students by moving toward the creation of educational environments in which all students can learn and achieve the highest standards.

### Does Title IX that require men and women are provided with the same institutional resources?

Title IX requires: (i) equal educational opportunities to participate in the full range of extracurricular activities; (ii) equal opportunity to access all academic courses and programs of study; and (iii) equal opportunity to participate in athletic programs.

Specifically in the area of athletics, several factors are considered to determine if equal opportunity is being provided for both genders. Those factors include, but are not limited to:

- Whether the selection of sports & level of competition accommodates the interests & abilities of both genders;
- Scheduling of practices and games;
- Quality and availability of coaching and academic tutoring;
- Compensation of coaches and tutors;
- Provision of training, competitive, medical, housing, and dining facilities;
- Locker room availability and quality; and
- Publicity.

### **Specific Examples of Regulations under Title IX**

- Schools are prohibited from discriminating against pregnant students based upon their marital status and cannot discriminate against a student because of childbirth, false pregnancy, or recovery from these conditions. Participation in special schools or programs reserved or designed for pregnant or parenting students must be completely voluntary on the part of the student. Such programs or schools must be comparable to programs and schools offered to non-pregnant students.
- Schools cannot require a student to take a course or participate in a program on the basis of sex.
- Discriminatory counseling and materials that treat students differently on the basis of sex are prohibited.
- Discrimination in activities that are considered part of the school's education program even if the activities are not wholly operated by the school are prohibited. Thus, a student cannot be excluded from a program such as a student exchange program, foreign study and travel, or coursework offered in conjunction with other academic or nonacademic institution on any basis prohibited by Title IX.

*This document is not inclusive of all regulations to which an educational institution is subject under Title IX. For the actual language and full coverage of the Title IX regulations enforced by the Secretary of the United States Department of Education, please refer to the federal regulations codified in 34 C.F.R. § 160.1 et seq.*

#### Sources:

- 20 U.S.C. § 1681
- 34 C.F.R. § 106
- [www.edc.org/WomensEquity/resource/title9/t9faq.htm](http://www.edc.org/WomensEquity/resource/title9/t9faq.htm) (August 2004)