

TITLE IX

*A Case Study from
Dental Education*



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Title IX

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.

History



History

- The Civil Rights Act of 1964 was enacted to end discrimination based on religion, race, color, or national origin.
- Did not include prohibition of gender discrimination in public education and federally assisted programs.

History

- Senator Birch Bayh (IN) along with Rep. Patsy Mink (HI) worked on women's issues, including the Equal Rights Amendment.
- Since the Equal Rights Amendment was not moving forward quickly, Bayh introduced the equal education provision of the ERA as an amendment to the revision of the Higher Education Act.

History

- This provision became known as Title IX, which was signed into law on June 23, 1972 by President Richard Nixon.
- Was renamed the Patsy T. Mink Equal Opportunity in Education Act in 2002 in memory of the co-author.

Implementation

- Oversight of Title IX enforcement and implementation is the responsibility of the Department of Health and Human Services Office for Civil Rights.

Impact

- Title IX is most famous for changes in athletic programs to offer opportunities for all athletes, regardless of gender.
- Less well known is the impact of Title IX on sexual harassment and sexual violence in educational programs.

Sexual Harassment/Sexual Violence

- Title IX applies to all educational programs and all aspects of a school's educational system
- In 2011, the Office of Civil Rights issued the "Dear Colleague" letter.
- The letter states that it is the responsibility of institutions of higher education "to take immediate and effective steps to end sexual harassment and sexual violence."

Sexual Harassment/Sexual Violence

- "The sexual harassment of students, including sexual violence, interferes with students' right to receive an education free from discrimination and, in the case of sexual violence, is a crime."
- Should an institution fail to fulfill its responsibilities under Title IX, the Department of Education can impose a fine and potentially deny further institutional access to federal funds.

Sexual Harassment/Sexual Violence

- Under Title IX guidelines, harassment is considered to be conduct that creates an impermissible hostile environment if it is "sufficiently serious that it interferes with or limits a student's ability to participate in or benefit from the school's program." Less severe conduct with sufficient repetition may rise to this level, while even one incident that is more serious may rise to this level.

Sexual Harassment/Sexual Violence

- The scope of sexual violence covered by Title IX includes an array of offense categories, including rape, sexual assault, sexual battery and sexual coercion.
- Specifically defined as “any sexual act directed against another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent.”

Off Campus Sexual Harassment

- The harassing conduct may occur in any setting related to a school’s programs, including off-campus activities such as field trips or athletic events
- This is especially true when it rises to the level of sexual violence that originally happened off campus or outside an educational program if a student experiences “the continuing effects of off-campus sexual harassment” in an educational setting.

- **Which leads me to the case study...**

*A long time ago
in a galaxy
far, far away...*

The Case Study

- The Setup
- The Trip
- The Story
- The Notification
- The Interview
- The Board of Conduct
- The Penalty
- The Aftermath

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QUESTIONS?
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