

TITLE IX BUZZWORDS + TIMELINE

KEY PEOPLE + TERMS

- **Title IX:** federal civil rights law that was passed as part of the Education Amendments of 1972 which prohibits discrimination on the basis of sex for all educational programs or activities that receive funding from the federal government. The law was designed to increase educational opportunities for women.
- **Education Secretary Betsy DeVos:** billionaire advocate for “school choice” and voucher programs that favor students from privileged families, DeVos was nominated by President Trump to his cabinet and was confirmed by a controversial tie-breaking vote by Vice President Pence.
- **Office for Civil Rights (OCR):** sub-agency of the U.S. Department of Education that focuses on implementing federal civil rights laws prohibiting schools from engaging in discrimination.
- **Preponderance of Evidence:** legal standard meaning it is more likely than not that the assault occurred but it is not as hard to meet as “clear and convincing evidence” as used in criminal cases.
- **[Dear Colleague Letter on Sexual Harassment:](#)** released by the Obama administration in April 2011, this official letter consists of guidelines and resources for the Title IX Coordinator to refer to when handling complaints. It recommends that the Title IX Coordinator must immediately take action to investigate (with consent of survivor) and address any assault that creates a hostile environment while taking measures to prevent a recurrence. The school must also protect students assaulted off campus. The investigation must use the preponderance of evidence standard and uphold due process for both the survivor and the perpetrator meaning both students are allowed to present evidence and witness testimonies during the investigation. The investigation should take on average no more than 60 days, and both the survivor and the perpetrator must receive a written outcome once a decision is made.

RESOURCES

Feminist Majority: [Notice and Comment 101: Feminist How-To Guide](#)

Associated Press: [Timeline of Rulings and Federal Guidance on Student Sexual Assault](#)

Office for Civil Rights: [Portal to file a complaint or request more information](#)

Department of Education: [Title IX Resource Guide \(2015\)](#)

ACLU: [Comprehensive Guide on what constitutes gender-based harassment and your rights at school](#)

National Coalition for Women and Girls in Education: Sexual Harassment Chapters in [Title IX at 40](#) and [Title IX at 45](#)

NASPA: [Difference between Regulatory vs. Sub-Regulatory Guidance](#)

THE PAST TEN YEARS OF TITLE IX

2008: OCR publishes a pamphlet noting that sexual harassment includes “criminal” conduct and that schools are not relieved of Title IX obligations simply by notifying police.

2009: The White House Council on Women and Girls is created by executive order to focus on issues ranging from equal pay to violence. OCR begins tracking sexual violence complaints as a distinct form of harassment.

2011: OCR issues important letter, focusing on student-on-student sexual violence. It recommends schools use a preponderance of evidence standard of proof in investigating cases and warns of lost federal funding if they fail to prevent and address such abuse.

2014: The Council on Women and Girls creates a task force to protect students from sexual assault and a website of resources. OCR issues further guidance on the Title IX responsibilities of all schools.

2017: Betsy DeVos is appointed as Education Secretary. She begins meeting with “falsely accused” men as well as survivors of sexual assault. In the fall, she rescinds the Obama-era guidance, including the Dear Colleague Letter and replaced them with interim guidelines prioritizing the rights of the accused perpetrator.

2018: Secretary DeVos releases proposed rules that could weaken Title IX so as to discourage survivors from reporting, punish them when they do, and allow schools to avoid accountability for failing to protect students from a hostile environment.