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Close Window

Sex Discrimination

Frequently Asked Questions

[Frequently Asked Questions \(/about/offices/list/ocr/faqs.html\)](/about/offices/list/ocr/faqs.html) >>



Overview

Below are Frequently Asked Questions on Sex Discrimination.

[Frequently Asked Questions About Sex Discrimination- General](#) ▾

[Frequently Asked Questions About Sex Discrimination- Athletics](#) ▾

[Frequently Asked Questions About Sex Discrimination- Harassment](#) ▾

Topic Discrimination

Frequently Asked Questions About Sex Discrimination- General

What is Title IX?

Title IX is a federal law that prohibits any educational institution that receives federal financial assistance (such as grants or student loans) from discriminating on the basis of sex.

[Top](#)

Are all school districts, colleges, and universities covered by Title IX?

Generally yes. All public school districts are covered by Title IX because they receive some federal financial assistance and operate education programs. All public colleges and universities and virtually all private colleges and universities are covered because they receive such assistance by participating in federal student aid programs. There are some private schools that do not receive any federal assistance, and Title IX does not apply to them. Additionally, there are some schools that are specifically exempt from certain parts of Title IX, such as an educational institution that is controlled by a religious organization but only to the extent the application of Title IX would not be consistent with the religious tenets of such organization. (</about/offices/list/ocr/frontpage/pro-students/rel-exempt-pr.html>)

[Top](#)

Are all programs in a school, college, or university covered by Title IX if any part of it receives federal financial assistance?

Yes. All programs in a school or college are covered if the school district, college, or university receives federal financial assistance. Title IX covers all the operations of a school or college that receives financial assistance including academics, extracurricular activities, athletics, and other programs. Title IX applies to actions of a school or college regardless of where they occur, including those that take place in the facilities of the school, on a school bus, at a class or training program sponsored by the school at another location, or elsewhere off campus.

Top

Does Title IX protect only students?

No. Title IX protects all persons from discrimination, including parents and guardians, students, and employees.

Top

What types of Title IX cases does OCR handle?

OCR handles cases of sex discrimination involving a range of issues, such as discriminatory discipline, harassment (</about/offices/list/ocr/frontpage/pro-students/issues/sex-issue02.html>) and sexual violence (</about/offices/list/ocr/frontpage/pro-students/issues/sex-issue01.html>), and unequal access to educational resources (such as STEM or career and technical education) or athletic opportunities (</about/offices/list/ocr/frontpage/pro-students/issues/sex-issue04.html>).

Top

Is there someone at my school who can help answer my Title IX questions?

Yes. All school districts, colleges, and universities receiving federal financial assistance must designate at least one employee to coordinate their efforts to comply with and carry out their responsibilities under Title IX. This person is often, though not always, referred to as a *Title IX coordinator*.

Your school is required to publish your Title IX coordinator's contact information in your school's notice of nondiscrimination, typically found in any bulletins, announcements, publications, catalogs, application forms, or other recruitment materials. The Title IX coordinator's contact information should also be prominently posted on your school's website. Title IX coordinators for public school districts can also be found on OCR's coordinators website at <http://www.ed.gov/civ-rts-coordinators> (<http://www.ed.gov/civ-rts-coordinators>). Title IX coordinators for colleges and universities can also be found on the Office of Postsecondary Education's Campus Safety and Security Data Analysis Cutting Tool (<http://ope.ed.gov/campusafety/#/>). For more resources regarding Title IX coordinators visit our Title IX Coordinators (</policy/rights/guid/ocr/title-ix-coordinators.html>) page.

Top

Frequently Asked

Questions About Sex Discrimination-Athletics

How do I know whether an athletic program is providing an equal opportunity under Title IX?

School districts and colleges are required to provide an equal opportunity in meeting student interest in sports, and in specific program areas like equipment and supplies and recruitment. For more detailed information, visit our Athletic Equity Resources page (</about/offices/list/ocr/frontpage/pro-students/issues/sex-issue04.html>).

Top

Frequently Asked

Questions About Sex Discrimination-Harassment

What is sex-based harassment?

Sex-based harassment can take multiple forms. Harassers can be students, school staff, or even someone visiting the school, such as a student or employee from another school. Sexual harassment (including sexual violence) and gender-based harassment are forms of sex-based harassment addressed on this page.

What is Sexual Harassment?

Sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature.

What is Sexual Violence?

Sexual violence is a form of sexual harassment. Sexual violence, as OCR uses the term, refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (*e.g.*, due to the student's age or use of drugs or alcohol, or because an intellectual or other

disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

What is Gender-Based Harassment?

Gender-based harassment is unwelcome conduct based on a student's actual or perceived sex. It includes slurs, taunts, stereotypes, or name-calling, as well as gender-motivated physical threats, attacks, or other hateful conduct.

Top

What are the responsibilities of school districts, colleges, and universities under Title IX to address sex-based harassment?

Title IX requires an educational institution to respond to sex-based harassment that is sufficiently serious to deny or limit a student's ability to participate in or benefit from the recipient's education programs and activities (i.e., creates a hostile environment).

When an educational institution knows or reasonably should know of possible sex-based harassment, it must take immediate and appropriate steps to investigate or otherwise determine what occurred. If an investigation reveals that the harassment created a hostile environment, the educational institution must take prompt and effective steps reasonably calculated to end the harassment, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.

Top

How do educational institutions balance their Title IX obligations with individuals' First Amendment rights?

OCR has consistently reaffirmed that the Federal civil rights laws it enforces protect students from prohibited discrimination, and are not intended to restrict expressive activities or speech protected under the U.S. Constitution's First Amendment.

The fact that discriminatory harassment involves speech, however, does not relieve the school of its obligation to respond if the speech contributes to a hostile environment. Schools can protect students from such harassment without running afoul of students' and staff First Amendment rights. For instance, in a situation where the First Amendment prohibits a public university from restricting the right of students to express persistent and pervasive derogatory opinions about a particular gender, the university can instead meet its obligation by, among other steps, communicating a rejection of stereotypical, derogatory opinions and ensuring that competing views are heard. Similarly, educational institutions can establish a campus culture that is welcoming and respectful of the diversity of all students and institute campus climate checks to assess the effectiveness of the school's efforts to ensure that it is free from harassment. Schools can also encourage students on all sides of an issue to express disagreement over ideas or beliefs in a respectful manner. Schools should be alert to take more targeted responsive action when speech crosses over into direct threats or actionable speech or conduct.

Top

How does OCR address sex-based harassment against students?

OCR investigates and resolves allegations that educational institutions that are recipients of federal funds have failed to protect students from harassment based on sex. Where OCR identifies concerns or violations, educational institutions often resolve them with agreements requiring educational institutions to adopt effective anti-harassment policies and procedures, train staff and students, address the incidents in question, and take other steps to restore a nondiscriminatory environment.

In addition to resolving investigations, OCR takes steps to inform schools of their obligation to provide a nondiscriminatory environment by issuing policy guidance. To see relevant policy guidance relating to sex-based harassment, please click here (</about/offices/list/ocr/frontpage/pro-students/issues/sex-issue02.html>) and here (</about/offices/list/ocr/frontpage/pro-students/issues/sex-issue01.html>).

OCR's field offices also engage in a variety of technical assistance activities in collaboration with state and local education and law enforcement agencies to encourage educational institutions to improve their anti-harassment policies and procedures and to assist students and their parents to work with schools to enhance the schools' anti-harassment capability.

Top

 Print

 Close Window

Last Modified: 10/27/2016